

BOARD BRIEFING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
COASTAL HEARING ROOM, 2ND FLOOR  
1001 I STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, FEBRUARY 13, 2002

9:30 A.M.

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CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

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Steven R. Jones

Jose Medina

Michael Paparian

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Terry Jordan, Deputy Director

Julie Nauman, Deputy Director

Pat Schiavo, Deputy Director

Julie Willd Wagner

Patty Wohl, Deputy Director

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 our public briefing to order, please.

4 I'd like to, as I say, welcome you to our public  
5 briefing. And this is very, very informal. It's a time  
6 for the Board Members and staff to ask questions and go  
7 over the agenda. If the public would like to speak or has  
8 questions, I will call on the public after each section of  
9 our agenda.

10 And then we also, at the very end, after we go  
11 through our agenda, we have five items for discussion.  
12 This is the time to put on items that sometimes we don't  
13 have time in our public meetings to discuss. So we'll be  
14 going right into that after the briefing.

15 And with that, I'll turn it over to Mark Leary,  
16 our executive director.

17 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
18 Chair, good morning. Good morning, members. A couple of  
19 just quickie announcements. We'd like to request, Madam  
20 Chair, that we move Agenda Item 4 today to the last. The  
21 discussion of 1066 will be a substantive one, and we think  
22 it fits better if we just hold it till last and then spend  
23 the time, at that point, to have the discussion.

24 CHAIRPERSON MOULTON-PATTERSON: What's the number  
25 again?

1 EXECUTIVE DIRECTOR LEARY: It's Agenda item 4 on  
2 today's agenda briefing, the discussion of 1066  
3 application and process.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. And we'll  
5 put that --

6 EXECUTIVE DIRECTOR LEARY: At the end, please.  
7 Then one other brief comment. You'll notice the  
8 absence of Rubia Packard. She is filling in for us today  
9 at the Cal EPA All-Staff Forum in Oakland. Since Madam  
10 Chair, as you did it in LA, and I did it here in  
11 Sacramento, we needed someone to cover for Oakland. And  
12 you and I were occupied obviously, so Rubia is covering  
13 that for us.

14 CHAIRPERSON MOULTON-PATTERSON: Please convey our  
15 thanks to her, because it's a long day.

16 EXECUTIVE DIRECTOR LEARY: I think they are doing  
17 three again back to back to back.

18 We have our regular monthly board meeting agenda  
19 to present to you today, in a synopsis and followed by  
20 five agenda items.

21 As far as the Board meeting agenda, we have  
22 pulled Agenda Item 2 from the Continued Business Agenda  
23 Item section on the Board Meeting Agenda. And we have  
24 proposed for Consent, although they will be discussed, of  
25 course today, as they traditionally are, we have proposed

1 for consent Agenda Items 20, 23 in the Special Waste  
2 Section; from the Waste Prevention and Market Development  
3 Agenda items 34, 35, 37 and 39; and then from the  
4 Diversion Planning and Local --

5 CHAIRPERSON MOULTON-PATTERSON: It was 34, 35 and  
6 39?

7 EXECUTIVE DIRECTOR LEARY: Thirty-seven and 39,  
8 Madam Chair.

9 And then from the DPLA agenda, Agenda items 51  
10 and 52 are proposed for consent.

11 CHAIRPERSON MOULTON-PATTERSON: And with that,  
12 we'll jump right into -- just one other comment, we are  
13 proposing to try to get through Agenda item 24 on the  
14 first day, that is next Tuesday, February 19th, and then  
15 pick up Agenda Item 25 through the remainder.

16 Let me ask Pat Schiavo, do you want to do 1 in  
17 the context of DPLA? No, we need to do it first, right,  
18 because it's noticed for the first day, right?

19 DEPUTY DIRECTOR SCHIAVO: Right.

20 CHAIRPERSON MOULTON-PATTERSON: So I'll turn it  
21 over to Pat for Agenda Item 1.

22 DEPUTY DIRECTOR SCHIAVO: Well, for today's  
23 briefing, Agenda Item number 1 hasn't changed from when it  
24 was presented to the Board last month. However, we will  
25 be doing an extensive discussion on SB 1066 at the end of

1 today's agenda. And I think that would provide you with  
2 more pertinent information than just rehashing that first  
3 agenda item?

4 CHAIRPERSON MOULTON-PATTERSON: Any questions?

5 BOARD MEMBER PAPARIAN: Madam Chair.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: I think at the last board  
8 meeting, I indicated that I was hopeful that we would put  
9 some items in the resolution indicating very clearly that  
10 this isn't a precedent, and giving some of the reasons  
11 why, including the approval of the item that we did last  
12 month related to this jurisdiction.

13 So Kit from my office is going to be drafting up  
14 a few clauses to circulate around giving that indication.  
15 And it's my hope that we would, when we pass the  
16 resolution, we will indicate clearly that it shouldn't be  
17 considered a precedent for other jurisdictions in the way  
18 that this specific one was put together.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
20 doing that.

21 Any others?

22 Okay, and Number 2 was pulled, so we go right  
23 into permits.

24 Julie, number three.

25 DEPUTY DIRECTOR NAUMAN: Good morning. Julie

1 Nauman, Permitting and Enforcement. I will begin with a  
2 series of permits.

3 Item number 3 is a new standardized compost  
4 permit for the green material compost facility at the Cold  
5 Canyon Landfill in San Luis Obispo County. You remember  
6 you had a related item on your agenda last month and the  
7 issue of the nondisposal facility element was discussed at  
8 that point.

9 The NDFE amendment is in-house and is, in fact,  
10 on your agenda on this calendar as Item number 51. You'll  
11 note that it's also on the consent calendar. So assuming  
12 that it stays on the consent calendar and you approve that  
13 consent calendar, that amended NDFE will be in place at  
14 the time you then take up Item number 3, the consideration  
15 of the permit for the facility.

16 As I indicated, this is a new facility. So as  
17 such, we're not going to be reporting on compliance with  
18 State minimum standards and those usual things.  
19 Everything is in place with respect to the application  
20 requirements, and we don't know of any opposition, so we  
21 will be recommending concurrence on this permit.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 DEPUTY DIRECTOR NAUMAN: Item number 4, actually,  
24 we had indicated last week was going to be pulled. The  
25 operator and the LEA have reached agreement, and we have



1 written request to waive time and continue this item. In  
2 fact, I think what we'll actually do is pull it back.  
3 They're going to rethink the project and probably scale it  
4 back.

5           It was a pretty far reaching proposal, and there  
6 were a number of operational issues that needed to be  
7 dealt with. So at this time, we'll just take it off and  
8 be back when they resubmit.

9           That moves us on to Item number 5, which is a new  
10 standardized compost permit for a nursery products  
11 composting facility. This is located in San Bernardino  
12 County.

13           This facility, too, requires an amendment to the  
14 NDFE. The NDFE for the County of San Bernardino is Item  
15 number 52 on your agenda, which is also on the consent  
16 calendar. So a similar situation, where you approve the  
17 Consent Calendar, the NDFE amendment is then in place to  
18 cover this permit.

19           A question was raised to us when the item was  
20 posted with respect to surrounding land uses and the  
21 notation that there's single family residences in the  
22 setting. We have done more research on that and  
23 determined that the closest residents are about one and a  
24 half miles from the site.

25           And if you would like us to provide a map or

1 additional information about that, we can do that at the  
2 meeting itself.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Yeah. Have there been  
5 any public concerns raised about this?

6 DEPUTY DIRECTOR NAUMAN: Not that I'm aware of,  
7 no.

8 BOARD MEMBER PAPARIAN: And are there any limits  
9 on the types of biosolids to go to this facility?

10 DEPUTY DIRECTOR NAUMAN: I may have to defer to  
11 staff on that one, if somebody is here.

12 BOARD MEMBER PAPARIAN: You can get back to me at  
13 the Board meeting if you want.

14 DEPUTY DIRECTOR NAUMAN: I can get back to you on  
15 that one. I'm not aware. We'll look into that.

16 BOARD MEMBER PAPARIAN: Okay.

17 CHAIRPERSON MOULTON-PATTERSON: Any other  
18 questions?

19 Okay, thank you.

20 DEPUTY DIRECTOR NAUMAN: I'll move on to Item  
21 number 6. This is a revised full solid waste facility  
22 permit for Bridgeport Landfill in Mono County. This is  
23 one of two facility permits that we're bringing forward  
24 from Mono County.

25 You may recall in the past that we've discussed

1 with you staff's effort to implement one of the objectives  
2 of the 1997 strategic plan, which was to update all of the  
3 permits that the Board had approved back in the late  
4 seventies. And these two permits that you have before you  
5 on this agenda are two of that package.

6           This is for the Bridgeport facility. This was a  
7 1978 permit, and there's a whole series of updates that  
8 are going to be reflected in the new permit that are  
9 listed on page 6-4, which include decreasing tonnage,  
10 establishing maximum elevations, reducing the boundary,  
11 decreasing the closure date, changing some hours, so to  
12 reflect operations as they've evolved since the last  
13 update of the permit in '78.

14           So this is one of those good news items in that  
15 we're taking yet another old permit off the list of  
16 outdated permits.

17           CHAIRPERSON MOULTON-PATTERSON: Steve.

18           BOARD MEMBER JONES: The litter issues that  
19 surrounded this facility, it's my understanding that  
20 they've actually changed contracting operations up there,  
21 that they had a contract, a local contractor, doing this  
22 work. Now, they've got county staff doing the work.

23           Actually, the person that's doing it, I think,  
24 came to our landfill operator training, which was kind of  
25 nice, since he was learning and went to that, and actually

1 passed I think.

2 But I think that --

3 (Laughter.)

4 BOARD MEMBER JONES: I think that needs to be --  
5 I think there needs to be a little work on that, because  
6 that was a different operation. I think that that's kind  
7 of critical, because you've got a lot of minimum standard  
8 violations over the years that probably will be eradicated  
9 because of that change. So it might be worth noting.

10 DEPUTY DIRECTOR NAUMAN: Thank you, Mr. Jones.

11 CHAIRPERSON MOULTON-PATTERSON: Jose.

12 BOARD MEMBER MEDINA: I think Board Member Jones  
13 addressed my concerns that had to do with the littering,  
14 because this is directly adjacent to the Bridgeport Indian  
15 Colony, and so the Colony has had continuing concerns with  
16 the litter along that site.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Jose.  
18 Number 7.

19 DEPUTY DIRECTOR NAUMAN: Okay. A companion item,  
20 Item number 7 is a revised full solid waste facility  
21 permit for Walker Landfill also in Mono County. A very  
22 similar situation to that which I described on the  
23 previous item, similar changes in tonnage, elevation,  
24 boundary, closure date, et cetera. All the findings can  
25 be made and we'll be recommending concurrence.

1           Okay, and the next item, Item number 8, is a  
2 revised full solid waste facility permit for Western  
3 Placer Waste Management Authority Materials Recovery  
4 Facility in Placer County.

5           You may remember that we had an item for the  
6 landfill several months ago. This is the MRF facility.  
7 And this permit was last revised in April of 1999.

8           In this revision, they're changing the hours and  
9 days of waste received and processing, clarifying the  
10 situation for the household hazardous waste facility,  
11 changing vehicle numbers, increasing tonnage slightly from  
12 1,000 tons per day to 1,200 tons per day, and some other  
13 cleanup language.

14           So all the findings, I think, can be made. I  
15 believe we did conduct the prepermit inspection and there  
16 were no violations noted. So we'll be recommending  
17 concurrence.

18           CHAIRPERSON MOULTON-PATTERSON: Thank you.

19           DEPUTY DIRECTOR NAUMAN: That completes the  
20 permits. We have several other items for your  
21 consideration.

22           Next is Item 9 and, and 9 and 10 are kind of  
23 companion items. Item 9 is consideration of approval of a  
24 scope of work for the Risk Assessment Assistance Contract.

25           This is coming from Contract Concept number 12,

1 which the Board approved earlier this year in the amount  
2 of, at the time, \$200,000. And your direction, at that  
3 time, was for us to enter into one or more interagency  
4 agreements with the Office of Environmental Health Hazard  
5 Assessment and or the Department of Toxic Substances  
6 Control.

7           The item that we're presenting here this morning  
8 as a package is the \$100,000 of that contract concept.  
9 And we're proposing that we enter into an interagency  
10 agreement with OEHHA to assist us in doing risk  
11 assessments. So Item 9 is the scope and 10 is the  
12 approval of OEHHA.

13           BOARD MEMBER JONES: Madam Chair?

14           CHAIRPERSON MOULTON-PATTERSON: Steve.

15           BOARD MEMBER JONES: Thanks, Madam Chair.

16           I guess a question for Ms. Jordan. If we  
17 allocated \$200,000 and it gets encumbered -- \$100,000 of  
18 it gets encumbered here, do we have to encumber that other  
19 \$100,000 before the end of the fiscal year or --

20           DEPUTY DIRECTOR JORDAN: Yes, we do.

21           BOARD MEMBER JONES: We do. Okay, thank you.

22           DEPUTY DIRECTOR NAUMAN: And it's staff intent to  
23 come back to you with another item before the end of the  
24 fiscal year based on the work that's performed by OEHHA,  
25 and our determination of whether there's any work that we

1 may need to have DTSC do or there's more work for OEHHA,  
2 we'll come back to you with another item for that other  
3 \$100,000, because we know we can use it.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Mike.

6 BOARD MEMBER PAPARIAN: Thank you. Looking at  
7 the scope of work, Item 4, there's a term used called  
8 Scope Research for A, B and C in the scope of work. I  
9 just want to make sure I understand what scope research  
10 means. I'm looking at the scope of work page 9-5. Task 4  
11 A, B and C. A, B and C all refer to scope research.

12 DEPUTY DIRECTOR NAUMAN: I see what you're  
13 talking about. It's 4 and then at the top of the page it  
14 says --

15 MR. WALKER: Sorry, I'm floundering here a little  
16 bit.

17 BOARD MEMBER PAPARIAN: I just want to make sure  
18 I understand what this term means.

19 MR. WALKER: Essentially, the term is to provide  
20 a scope in terms of initially kind of steering where a  
21 research effort should go. You know, a lot of times what  
22 you need to do is you have to identify upfront some of the  
23 more general approaches that you take in terms of  
24 researching where a study would go, an investigation on  
25 impacts to the public.

1               DEPUTY DIRECTOR NAUMAN: Sort of like designing  
2 the study.

3               MR. WALKER: Yeah, it's kind of like designing,  
4 helping us so that we don't, you know, give them a scope  
5 of work specifically telling them what it will be. We  
6 actually allow them to develop that study and give more  
7 flexibility, so we have them earlier on in it.

8               DEPUTY DIRECTOR NAUMAN: So you give a topic area  
9 and then we would collaborate with them, drawing on their  
10 expertise to actually determine how you would go about  
11 doing the research to answer the question that you're  
12 interested in.

13              CHAIRPERSON MOULTON-PATTERSON: For the record,  
14 that's Scott Walker that was speaking.

15              Sorry, Mike.

16              BOARD MEMBER PAPARIAN: So the expectation is  
17 with Items 5 through 8 or some combination, after you do  
18 the scope research, you would actually get some answers to  
19 the questions that you're asking. The Scope research is  
20 kind of defining what the question is and --

21              MR. WALKER: Correct, yes.

22              BOARD MEMBER PAPARIAN: Okay, thank you.

23              CHAIRPERSON MOULTON-PATTERSON: Okay. Did you  
24 want to go to 11.

25              DEPUTY DIRECTOR NAUMAN: All right. Item number



1 11 is consideration of adoption on, in this case, the  
2 Negative Dec. And then the package of regulations we have  
3 before you are the, what we're calling, the nonhazardous,  
4 nonputrescible solid waste regulations.

5           You'll recall that you discussed this item in  
6 December and gave staff more direction with respect to  
7 your interest in deferring to DTSC on the issue of  
8 financial assurances. And then we saw language in January  
9 which you put out for a 15-day comment period.

10           The comment period doesn't close until 5:00  
11 o'clock on Friday, February 15th. To date, we've only  
12 received one letter, and that's a letter in support from  
13 William Orillian who is the supervisor of the solid waste  
14 program in -- I'm sorry, I'm bouncing back and forth on  
15 this -- in Bakersfield in Kern County, which is the site  
16 of the Safety Clean Facility, and they're indicating their  
17 support.

18           We have not received, although we do expect to  
19 receive, additional comments before the close of business  
20 on Friday, and we'll be prepared to report to you on those  
21 next week.

22           We have had some informal discussions with staff  
23 at the Department of Toxics with respect to the language  
24 that we've proposed. And they have indicated to us that  
25 they don't have any problem with the language as it's

1 currently drafted.

2               So we can provide a more thorough update for you  
3 next week after we review all of the comments.

4               CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.  
5               Number 12.

6               DEPUTY DIRECTOR NAUMAN: Item number 12 is  
7 consideration of approval to formally notice proposed  
8 regulations for closure and post-closure maintenance.  
9 This item results from one of the recommendations,  
10 actually a couple of recommendations in the audit report,  
11 which we've discussed with you a couple of times in the  
12 past.

13              And your direction was to pursue development of a  
14 regulation package that addressed the areas that were  
15 raised in the audit. We have gone through an informal  
16 process on that. We have been prepared to ask you to  
17 begin the formal notice process up until a couple of days  
18 ago when we got some additional comments from some of the  
19 stakeholders.

20              And while staff is anxious, as I know the Board  
21 is, to move these regulations packages along as  
22 expediently as possible, it is our recommendation that we  
23 continue this item until the March meeting. We're having  
24 some discussions with RCRC, and they are meeting on  
25 Thursday of this week, and we're expecting to get some

1 specific language from them based on the discussions we've  
2 had with them. And we've also heard from some of the  
3 LEAs.

4 CHAIRPERSON MOULTON-PATTERSON: So number 12 will  
5 be pulled to spend more time with the LEAs?

6 DEPUTY DIRECTOR NAUMAN: Right.

7 CHAIRPERSON MOULTON-PATTERSON: Steve.

8 BOARD MEMBER JONES: Thanks, Madam Chair. I'm  
9 glad to hear that, because in reading it, I've done a lot  
10 of business in rural counties, and I think there's an  
11 awful lot missed. I think 30 days is probably wrong. I  
12 think it should be pulled back to at least 60 days, maybe  
13 even 90 days to make sure that you get stakeholder groups,  
14 both local government, public works departments, local,  
15 private and LEAs, because the LEAs feel like they've been  
16 excluded according to the E-mails.

17 And I think that that perspective -- I don't  
18 agree with one of the letters I got. I agree with parts  
19 of it. I don't agree with the fact that just because you  
20 have capacity, you should leave it open forever. That's  
21 the whole problem.

22 So I don't want you to think that that's where,  
23 you know -- but I do think it's important in this reg  
24 package to include public works directors, those kinds of  
25 folks, because there has to be a method to close trickling

1 landfills, but we've got to understand that a lot of these  
2 sites, and I don't agree with this, okay, are open because  
3 they refuse to fund in earlier years. They just didn't  
4 want to take the political heat.

5           That's not a reason to keep these ongoing. But I  
6 think we've got to make sure that we understand,  
7 specifically, some of their issues so that when we put  
8 this reg package together, and those triggers -- some of  
9 those triggers make sense that you did, others I'd like to  
10 talk to you about a little bit. But we need to get their  
11 understanding, okay. And clearly I don't think capacity  
12 has anything to do with it. If you're not going to use  
13 it, and you don't want to close it, that's the problem.

14           But I think maybe we ought to say 60 days, at a  
15 minimum, to give them time to really work through this.

16           DEPUTY DIRECTOR NAUMAN: May I suggest that we  
17 try 60 and we'll see where we are --

18           CHAIRPERSON MOULTON-PATTERSON: Okay, let's shoot  
19 for 60.

20           DEPUTY DIRECTOR NAUMAN: -- and then I can  
21 determine whether or not we're ready to be back. We are  
22 planning to go to some of the round tables. And, you  
23 know, we have involved the LEAs to a greater degree than I  
24 think is reflected in that one E-mail, but we will  
25 continue to make the effort.

1 BOARD MEMBER JONES: Thanks.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Julie.

3 Mike, did you want to speak to this?

4 BOARD MEMBER PAPARIAN: I'm not sure if I'm  
5 confused about which regulations are which. But we've had  
6 workshops on this already or we haven't had workshops on  
7 this already?

8 DEPUTY DIRECTOR NAUMAN: Yes, we have.

9 No, excuse me.

10 MR. WALKER: We did have workshops. In November,  
11 we had two workshops, one in Sacramento and one in Los  
12 Angeles, at Diamond Bar.

13 BOARD MEMBER PAPARIAN: Okay. So there has  
14 been -- I just wanted to be clear there has been some  
15 opportunity for involvement and comment?

16 MR. WALKER: There has been some, but then again  
17 also the -- right now, we have planned both the RCRC  
18 meeting, I guess this Thursday they will deliberate on it  
19 and supposedly provide us with some specific language.

20 And there also are LEA roundtables, which are the  
21 week after this Board meeting are another area that we  
22 need to work on one aspect which is the closure permit.

23 The question is I think, beyond that, whether or  
24 not we would need to schedule a broader public workshop  
25 for everybody, additional ones like we did in November.

1                 DEPUTY DIRECTOR NAUMAN: I just wanted to  
2 clarify, Mr. Paparian, we wouldn't bring a package forward  
3 to you unless we had gone through workshops and the  
4 traditional informal process. I think Mr. Jones is  
5 correct this is a very complicated package and involves,  
6 you know, a lot of players.

7                 And so it's kind of where we are in the process.  
8 We've gone through many of the steps. But as a result of  
9 that, there is still some stakeholders who are not either  
10 clear or comfortable with some of the provisions and they  
11 are seeking more time.

12                BOARD MEMBER PAPARIAN: Okay.

13                BOARD MEMBER JONES: Madam Chair.

14                CHAIRPERSON MOULTON-PATTERSON: Steve.

15                BOARD MEMBER JONES: Not to beat this too much,  
16 but that's what I think these briefings are about. One of  
17 the options -- right now, the Water Board concurs on their  
18 portion, and then we concur with the LEA.

19                One of the proposals is that the LEA get  
20 concurrence from the regional water board or from the  
21 Water Board and from the Waste Board. Anybody, that's  
22 ever put a WDR or waited for a WDR and has to wait two and  
23 three years to get comments back, comments, not even  
24 approval, needs to understand that that's a dialogue that  
25 needs more time, because I don't agree with having the

1 Water Board in.

2 1220 delineated it. They said you're all  
3 separate entities. But when we sit there and we -- and I  
4 am for prudent closure of those landfills, okay. I think  
5 that's important. But when we say we've got to wait for  
6 the Water Board as a condition of some permit issue that  
7 you guys are going to bring up, that puts everything on  
8 hold for two and three years.

9 So that's a discussion that needs time. And  
10 that's a discussion the Board Members need to be able to  
11 have and understand. I mean, there's parts of that I  
12 don't understand as far as why it takes so long to get  
13 concurrence.

14 We had a permit not too long ago that one of the  
15 reasons was there wasn't an approved closure plan and yet  
16 that jurisdiction -- I mean, the Water Board down there  
17 had it for three years. So we've got to be careful. And  
18 that I think is why I wanted the extension, so we could  
19 really talk those things through and understand it,  
20 because clearly it needs to be done, but we need to do it  
21 in a way that's going to get it done.

22 MR. WALKER: I just want to add, Board Member  
23 Jones, that we have had some discussions very recently  
24 with RCRC and that is a specific point we've discussed  
25 with them. We anticipate they will have a specific

1 proposal on that to send to us. And so that is an issue  
2 that is part of the RCRC deliberation.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
4 And it would be my hope that we could get it done in 60  
5 days.

6 DEPUTY DIRECTOR NAUMAN: We will try our best.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 DEPUTY DIRECTOR NAUMAN: Item 13 is discussion of  
9 Local Enforcement Agency evaluations through December 31st  
10 of the year 2001. This is a fairly lengthy item in that  
11 it has several attachments to it. Just let me walk you  
12 through kind of what we're trying to present here and then  
13 if you have any specific questions, staff can pursue those  
14 with you now or we can wait and have a further discussion  
15 next week.

16 We walked you through the process of LEA  
17 evaluations as it's laid out in the statute and the  
18 various steps that staff goes through in preparing their  
19 findings, and then sits down with the LEA and discusses  
20 the results of the evaluation, which sometimes, but not  
21 that often, results in a workplan.

22 You'll see that there are several attachments.  
23 The first of which is a flowchart that shows you the  
24 designation and certification process. Attachment 2 gives  
25 you the document that we call the LEA evaluation



1 procedure, which was adopted in the spring of 1998, which  
2 again lays out how the evaluation is conducted.

3 And, again, the LEAs are evaluated on a rotating  
4 basis. Attachment number 3 is a flowchart that walks you  
5 through the steps of the evaluation process.

6 Attachment 4 is another flowchart shows you the  
7 withdrawal of designation approval and/or the deed of  
8 certification process that can result from an evaluation.

9 Attachment number 5 is the second cycle LEA  
10 evaluation summary. I apologize for the lack of clarity  
11 on the xerox copy. I don't know how yours are. You might  
12 let me know how they are. I noticed mine was a little bit  
13 weak, so if you need additional copies, let me know.

14 And that goes through the jurisdictions that  
15 we've evaluated through the cycle, and we're prepared to  
16 answer any specific questions you have about any of the  
17 jurisdictions.

18 CHAIRPERSON MOULTON-PATTERSON: Julie, I have a  
19 request. I'd like a list of all the LEA reviews done in  
20 the last two years that were a direct result of the other  
21 trigger options being utilized as listed on pages 13-11.

22 DEPUTY DIRECTOR NAUMAN: We'll have that for you  
23 next week.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you. Any  
25 other questions, comments?

1 Mike.

2 BOARD MEMBER PAPARIAN: I want to make sure I  
3 understand the process. If you notice a problem and it's  
4 indicated on here on some of these specific localities  
5 that you noticed a problem, and then you set up a plan for  
6 resolving the problem, whatever was noticed, presumably at  
7 some point when that problem is resolved, then that LEA is  
8 no longer being scrutinized because of that problem.

9 Am I okay so far?

10 DEPUTY DIRECTOR NAUMAN: I'm going to ask --

11 MR. ABOUSHANAB: You're fine.

12 Board Member Paparian, Gabe Aboushanab. And  
13 basically depending on the severity of the problem, if it  
14 involves time to correct, there's a plan of correction  
15 that the LEA comes up with. And we actually monitor their  
16 progress on the Plan Of Compliance, the Evaluation  
17 Workplan they come up with at three, six and nine month  
18 intervals and even longer if -- you know things like  
19 permits that are missing pieces take time. Things like  
20 waiting for closure plan sequence.

21 So we do monitor that they do comply and then we  
22 give them a letter of compliance at the end, and we do  
23 track noncompliance. And basically the things that do not  
24 require a work plan usually are missing inspections. You  
25 don't really need a plan to correct that. You just begin

1 doing it immediately. You'll notice some things were  
2 correct immediately. Those would be in that category.

3 BOARD MEMBER PAPARIAN: So my question is once  
4 this process has been completed, once they've complied  
5 with whatever you've noticed, is that LEA singled out for  
6 a little extra scrutiny over the coming months or years,  
7 because they've had a compliance issue.

8 MR. ABOUSHANAB: Currently, the way that we're  
9 set up, it is only done through the monitoring process to  
10 get through the workplan. That doesn't mean once you pass  
11 the workplan, if issues continue, it would kick it into  
12 the part of the cycle outside. The triggers would come  
13 into effect at that point.

14 At that point, staff that do month-to-month work  
15 in the P&I with the LEA for that jurisdiction would  
16 continue feedback to our group and would possibly talk to  
17 Julie and Mark should need -- you know, should arise to  
18 look at them more closely through the trigger process.

19 DEPUTY DIRECTOR NAUMAN: Mr. Paparian, you know,  
20 I think the triggers are in place to treat everybody  
21 equally and fairly, but also objectively. So whether an  
22 LEA has had a prior workplan or not, the triggers are in  
23 place to monitor everybody's work on an ongoing basis, and  
24 haven't always had the triggers. The triggers were, you  
25 know, a newer creation. So they're in place to kind of

1 monitor that ongoing work as we're seeing it really  
2 through the P&I Branch.

3 BOARD MEMBER PAPARIAN: My concern is whether if  
4 an LEA has had some problems that they've been able to  
5 resolve, are they more likely to have more problems in the  
6 future than an LEA hasn't had?

7 DEPUTY DIRECTOR NAUMAN: Not necessarily. I  
8 think it depends on the nature of the problem. And it  
9 sometimes is the staffing that they have available to  
10 them. Sometimes it's a budget issue. Sometimes it's just  
11 a need for more training or a clarification on our  
12 expectations.

13 So a problem can resolve itself and be gone and  
14 never reappear. But if it or a different problem should  
15 develop, then the triggers are in place to catch that if  
16 they're working properly.

17 MS. ANDERSON: Sharon Anderson, LEA support  
18 services branch manager.

19 One of the typical things that we do see is the  
20 periodic performance levels of local enforcement agencies  
21 that only have one or two facilities, and those permits  
22 only come up once every five years, and so that's a lot of  
23 when we see a spike in their performance level, it's their  
24 unfamiliarity with processing the permit that comes  
25 forward sometimes in a workplan.

1                   And so what happens is is we get them through  
2   that rough spot. We help them through that permitting  
3   process, you'll see a performance issue for a workplan,  
4   because they may only have one large facility or two. And  
5   then once we get them through that hump, we hope they keep  
6   that staff person around for the next time they have to go  
7   through a permit process.

8                   So that's a lot of what we do see.

9                   MR. ABOUSHANAB: Can I add something? At the  
10   conclusion of the process, we plan to sort of review what  
11   was done and take appropriate adjustments. We've done it  
12   after the first cycle. And now after the second cycle  
13   when we're done, there will be an opportunity for a  
14   workgroup to look at what was done and how it was done and  
15   what needs to be adjusted to make it better.

16                  And I think, having said that, during that period  
17   of time would be ideal, if you had any ideas or any of the  
18   board members or even LEAs, on how the process could be  
19   improved to take care of all concerns, we would be happy  
20   to do it at that time.

21                  CHAIRPERSON MOULTON-PATTERSON: Thank you.

22                  Moving on to number 14.

23                  DEPUTY DIRECTOR NAUMAN: Fourteen is discussion  
24   of and request for direction on alternative daily cover in  
25   response to workshops that were conducted in January.

1           This item stems from your discussion at the July  
2 board meeting in Long Beach, where you looked at a number  
3 of issues related to the use of alternative daily cover.

4           We reported to you a few months later with a  
5 workplan, which we have implemented. And part of that  
6 workplan was to conduct workshops with the stakeholders  
7 and to return to the Board in February with a synopsis of  
8 the issues that were discussed at the workshop and a  
9 presentation of some options and discussion for direction  
10 on the issues related to ADC.

11           This has been a cross-divisional effort involving  
12 Permitting and Enforcement, Waste Prevention and Market  
13 Development and the DPLA division. And so you'll be  
14 hearing from all of the three divisions that are involved  
15 in this during the formal presentation of it.

16           We've structured the item similarly to the way we  
17 structured some of the audit items, in that we've  
18 presented a number of options for you. There's actually  
19 11 options listed, but then we've tried to kind of narrow  
20 through kind of a recommendation of those which we think  
21 are most fruitful for you to focus on.

22           So if you have any specific questions about any  
23 of the options, we can go into those.

24           CHAIRPERSON MOULTON-PATTERSON: I don't see any.

25           Thank you.

1               DEPUTY DIRECTOR NAUMAN: And finally, we have  
2 Item 15, which is a discussion of and request for  
3 directions regarding remaining landfill capacity  
4 reporting. This, too, results from two of the  
5 recommendations in the audit report, which you have  
6 discussed on previous occasions and asked us to do a  
7 little bit more thinking about it and come back to you.

8               So what we have before you is a discussion item  
9 that results in a recommendation from staff that you  
10 provide direction to us to actually begin the drafting of  
11 regulations that will clearly lay out how this information  
12 might be generated.

13              We've had some informal discussions with some of  
14 the stakeholders and they've indicated that they are  
15 interested in engaging in a dialogue about this. In the  
16 past, we've utilized kind of a very informal survey type  
17 process that we tagged on to some of the financial  
18 assurance reporting requirements. And we're still looking  
19 at whether that might be a viable option to keep this more  
20 informal.

21              But our current thinking is that we would  
22 probably get more reliable and more consistent data if  
23 this were done through regulations.

24              So all of those things are open for discussion  
25 next week.

1                   CHAIRPERSON MOULTON-PATTERSON: Okay. At this  
2 time, does anyone from the public have a comment or  
3 question on the Permits, LEA and facility compliance  
4 section of our agenda?

5                   George.

6                   MR. LARSON: Thank you, Madam Chair. George  
7 Larson representing Waste Management. I'd like to make a  
8 comment, please, on Agenda Item 11. And I'll note that  
9 these comments will be submitted by Friday the 15th the  
10 deadline for submittal.

11                  First, we appreciate the opportunity to have  
12 commented on this regulations' package over time through  
13 the informal process, and really feel that staff have been  
14 most responsive to the concerns raised by Waste  
15 Management.

16                  And, in fact, we were in complete agreement with  
17 the regulatory package that was developed informally prior  
18 to the January board meeting.

19                  However, in the current version and since that  
20 date, there is one sentence that I'd like to bring to your  
21 attention. And that is on page 5 of 8 of the regulations.  
22 I'm sorry, I don't have the sequential number of your  
23 board packet. But in the regulations themselves, it's on  
24 page 5 of 8.

25                  The sentence reads that, "The



1 enforcement agency shall obtain written  
2 verification from board staff that  
3 sections 18225 (g) and (h) are correct  
4 prior to the determination that the  
5 application is complete."

6 We feel that this language is unnecessary because  
7 the hazardous waste facility to which those sections apply  
8 must maintain compliance with DTSC financial assurance  
9 regulations at all times.

10 I feel it's most appropriate that it would be  
11 DTSC staff making that finding and not the Waste Board  
12 staff. And even without this sentence --

13 BOARD MEMBER PAPARIAN: Excuse me, George, I'm  
14 having trouble tracking where you are.

15 DEPUTY DIRECTOR NAUMAN: Board Members, I think I  
16 might be able to assist you. If you go to page 11-9,  
17 which is part of Attachment 1. On the top of the page it  
18 says page five on the left-hand side, so it's actually  
19 section 17369 subdivision (b), which appears at line 9  
20 through 11 on page 11-8.

21 BOARD MEMBER PAPARIAN: Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Please continue.

23 MR. LARSON: Okay. Even without this sentence or  
24 that provision, the Enforcement Agency and the Integrated  
25 Waste Management Board are fully capable and able at any

1 time before or after the issuance of the permit to inquire  
2 whether the operator of a hazardous waste facility is in  
3 compliance with DTSC financial assurance requirements, or  
4 at any time board staff can raise concerns with an  
5 operator as to whether they're in compliance.

6           The problem that arises and the reason for  
7 raising our concern is that the potential exists for the  
8 cross review of this, which we feel is unnecessary to  
9 create an ambiguous and untenable situation as far as the  
10 processing of a permit that may go into a situation of  
11 long-term delay because of this necessity and requirement  
12 to be met.

13           Once any hazardous waste is placed into a --  
14 hazardous or nonhazardous waste is placed into a hazardous  
15 waste facility and commingled, it becomes a hazardous  
16 waste by definition anyway, and therefore is subject to  
17 all the requirements of DTSC.

18           In summary, again, we'd like to request that that  
19 section, which was referenced, the one sentence, be  
20 stricken from the regulations package as it moves forward.

21           I'd be glad to handle questions.

22           CHAIRPERSON MOULTON-PATTERSON: And you'll have  
23 that in writing for us.

24           MR. LARSON: By Friday.

25           CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

1 Steve.

2 BOARD MEMBER JONES: Just a question for Mr.  
3 Larson. As I understand this line, it's only saying that  
4 you guys are in compliance with DTSC, that's all it's  
5 saying.

6 And my question is where -- I mean, we've had  
7 these discussions with Chuck White and everybody else, and  
8 I thought that this was pretty much self -- almost  
9 self-certification, with just the Board saying, yeah, they  
10 comply. And I'm wondering, I guess I would like a little  
11 more discussion on other reasons why this may be  
12 problematic, so I get a better appreciation of -- because  
13 I agree with, you once it goes into a hazardous waste  
14 site, it is hazardous. I have no problem with that.

15 But it's MSW that's paying \$1.34 to go into that  
16 facility as opposed to paying DTSC fees of \$200, \$300,  
17 \$400, \$500 a yard. So clearly there's an advantage, and I  
18 think what staff was just trying to do was keep all of the  
19 "Ts" crossed and the "Is" dotted as far as what our  
20 requirements are.

21 And I thought it was just that yeah, they've got  
22 a closure -- or they've got their closure post-closure  
23 stuff in place. Is that pretty -- is that what that's  
24 supposed to do, Julie?

25 MR. LARSON: I understand the intent. I think

1 the issue is the requirement for it to be received in  
2 writing, and what process and how long that would take in  
3 order for --

4 BOARD MEMBER JONES: Okay, so it's the writing.

5 MR. LARSON: It's in written verification --

6 BOARD MEMBER JONES: But it's the EA that would  
7 get a notice from a Waste Board staff that everything is  
8 in place, right?

9 DEPUTY DIRECTOR NAUMAN: That's correct. We were  
10 just trying to help the LEAs who are not really generally  
11 involved in the whole closure, post-closure in particular  
12 the financial assurance side of permitting. That's  
13 usually something that the Waste Board handles.

14 So we were trying to kind of be the facilitator  
15 here helping the LEAs by having our staff dialogue with  
16 DTSC, make the determination -- or DTSC makes the  
17 determination, yes, they are in compliance, and we make  
18 that information available to our partner, the LEA.

19 BOARD MEMBER JONES: Let me ask another question,  
20 because this has been a hotly debated item, obviously,  
21 between interpretations.

22 Is the question from the Waste Board staff to  
23 DTSC as simple as does the facility have DTSC approved  
24 closure post-closure funding in place, a mechanism, is  
25 that the question?

1               DEPUTY DIRECTOR NAUMAN:  Yes.

2               BOARD MEMBER JONES:  So it's not a debate over  
3 what type of mechanism, do we agree with it, do we not  
4 agree with it.  If it is an acceptable thing, then they  
5 get an answer, yes.  And then, at that point, that's the  
6 end of our staff's involvement?

7               DEPUTY DIRECTOR NAUMAN:  And we are trying to  
8 follow the Board's direction.  We are referring to DTSC  
9 just tell us yes or no.

10              BOARD MEMBER JONES:  So I'm just trying to lay  
11 this out in my mind.  So then it becomes a note to the LEA  
12 that in their conformance findings that they have to  
13 make --

14              DEPUTY DIRECTOR NAUMAN:  That they can check that  
15 box.

16              BOARD MEMBER JONES:  -- that they can check that  
17 box.

18              Mr. Larson, maybe somebody needs to talk to us to  
19 see if there's something else here that we're not seeing  
20 or that I'm not seeing.  I trust the explanation I've just  
21 gotten, but there may be something else.  I mean there's  
22 always something else.

23              (Laugther.)

24              MR. LARSON:  I fully understand and agree with  
25 the intent of what Ms. Nauman said.  And, again, it goes

1 back to the fundamental issue of whether or not this  
2 requirement is going to lead to undue delays in the  
3 ability for the Board to issue the permit that requires  
4 verification of DTSC's program by Waste Board staff.

5           DEPUTY DIRECTOR NAUMAN: If I just might add from  
6 our informal discussions with DTSC, I mean, we acknowledge  
7 that there is, you can count them on one hand, less than  
8 one hand, the number of facilities involved. So it's not  
9 like they have to go through lots and lots of files to  
10 make this determination.

11           BOARD MEMBER JONES: I mean, it's yeah they've  
12 got an approved thing in place.

13           Have them talk to us, because maybe there's some  
14 words that don't make sense, but I don't know.

15           MR. LARSON: Thank you.

16           CHAIRPERSON MOULTON-PATTERSON: Thank you. Any  
17 other speakers?

18           Okay, that moves us on to Special Waste.

19           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
20 Good morning, Madam Chair.

21           CHAIRPERSON MOULTON-PATTERSON: Good morning,  
22 Martha.

23           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
24 Martha Gildart with the Special Waste Division.

25           CHAIRPERSON MOULTON-PATTERSON: We're on number

1 16.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Number 16 and 17 deal with grant awards for this fiscal  
4 year, and then we're going right into 18 and 19, which are  
5 grant criteria for next fiscal year. So I just wanted to  
6 keep that clear. We're sort of winding up this year and  
7 getting a head start on next year.

8 Item 16 the staff will be presenting its  
9 recommendations for the grant awards for the waste tire  
10 track and other recreational surfacing grant program for  
11 the current fiscal year.

12 In this program, we received 31 applications for  
13 the \$1 million that was available. Up to \$100,000 each is  
14 available for the applications. The total requested  
15 funding came to \$2.2 million, so you can see we had quite  
16 a bit to do in scoring and separating out. At this point,  
17 the staff is recommending 15 applications that passed the  
18 minimum score of 70 for a total of \$954,000.

19 There are another 11 passing applications which  
20 could be funded if the Board reallocates funds later in  
21 the fiscal year. Those totaled \$94,900.

22 There was one issue that arose during the  
23 scoring, and that was the apparent confusion on how to  
24 respond to the Board's criterion number 10, which dealt  
25 with the cost per tire that was encountered in carrying

1 out the program.

2           Because nearly half the applications had  
3 difficulty in providing information, at the advice of  
4 legal counsel, all applications received ten points on  
5 that criterion, so as to not unfairly separate out those  
6 who fully understood it or didn't.

7           Any questions?

8           CHAIRPERSON MOULTON-PATTERSON: Thank you.

9           Seeing none, go right on.

10          SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 Item 17 was the staff's recommendations for the grant  
12 awards for the waste tire playground cover grant program  
13 for this fiscal year.

14          This is the one that we've been doing for several  
15 years now. These are the mats at playgrounds made out of  
16 recycled tires. There was \$800,000 made available for  
17 grants of up to \$25,000 each. In this program, we  
18 received 43 applications requesting a little over a  
19 million dollars.

20          However, only 26 of the applications received a  
21 passing score for a total recommended funding of \$565,000.  
22 This leaves roughly \$234,000 that may be reallocated at  
23 the end of the year.

24          We have looked at why so few of them passed, and  
25 we'll be ready to discuss that. They had the same problem



1 as they track applicants on criterion ten and so that one  
2 was treated in the same manner where all applications  
3 received ten points. However, there was also some  
4 weakness on how they prepared their budget and their  
5 methodology. And there was quite a split on the economic  
6 need. This was a criterion which designated by zip code  
7 folks who could receive additional points if they were in  
8 a low economic area.

9           That might have tripped up some of the applicants  
10 or we may not be reaching enough of the potential  
11 applicants in those lower zip code areas.

12           There's been some discussion in other grant  
13 programs about a need for training. And there are plans  
14 to try and put something together and we want to analyze  
15 these grants and who failed and who passed very carefully  
16 in designing such a training program to be able to make  
17 sure they understand how to respond to these criteria.

18           CHAIRPERSON MOULTON-PATTERSON: Okay. Martha, I  
19 really appreciate that, because you know we have this  
20 money. We want to get it out, and we want these groups to  
21 be successful. So whatever we can do, you know, I'd like  
22 to see this money get out while I'm still on this Board.  
23 So whatever we can do to help people meet the criteria, I  
24 think, is very important.

25           Any other questions?

1                   SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2   We're going through an analysis too on the north south  
3   split. And if you're interested, we'll be able to make a  
4   fairly full presentation at the board meeting.

5                   CHAIRPERSON MOULTON-PATTERSON: Thank you.

6                   BOARD MEMBER JONES: Senator Roberti and I are  
7   both doing some duty on grading these. Maybe part of the  
8   analysis will be helped from the staff's perspective of  
9   what some of these issues are, but then you'll also have  
10   the Senator and I who have had to read all these things or  
11   are reading them and grading them. And I've got to tell  
12   you I'm kind of waiting to see how bad I am, because  
13   there's three other people grading them. I don't know how  
14   close I'm going to be.

15                  But part of it is how we interpret need, how we  
16   interpret are they really going to be able to do this or  
17   is this a black box. So I think that it will be valuable  
18   after this cycle, because we're going to have some  
19   firsthand knowledge about that.

20                  CHAIRPERSON MOULTON-PATTERSON: Thank you, and  
21   thank Senator Roberti. I know that's very time consuming,  
22   but I think it's very important and we appreciate you  
23   doing that.

24                  Okay.

25                  SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 Then item 18 is where we're starting with next fiscal  
2 year's program. This is the eligibility and criteria for  
3 the local government public education and amnesty day  
4 grant program. And as I said, that's for fiscal year  
5 2002/2003.

6           These are similar to the criteria we've used in  
7 the past. There will be a requirement for 50 percent  
8 match so that any applicant applying to the Board for the  
9 grant amount of \$25,000 must be able to provide at least  
10 12.5. It is available to local governments and to indian  
11 tribes.

12           And we are proposing for the criteria number 8  
13 the recycling program that they would receive five points.  
14 They would have 15 points for number 9, which is the tire  
15 disposition, 5 points for the cost per tire. Now, that's  
16 the criterion that was tripping up people before, and  
17 we're going to try to make sure that the application  
18 package has a very complete example of how that's  
19 calculated.

20           Number 11 is the special cost, which is like  
21 multilingual brochures, reaching out to, you know,  
22 different parts of the community, underserved areas, et  
23 cetera, that's five points, and then five points for the  
24 environmental justice plan.

25           So we'll be presenting that for any of the

1 Board's comments or changes. And as I said, all this is  
2 sort of happening in real time. We're going through that  
3 an analyzing some of the results of these other grants.  
4 It's just remotely possible that staff itself might have  
5 one or two slight adjustments to this recommendation by  
6 next week's board meeting, and we're certainly open to any  
7 suggestions from the Board.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
10 Item 19 is also a criteria and eligibility item, and it's  
11 for the waste tire playground cover grants. Those are  
12 once again the tire mats for next fiscal year. It's a  
13 very similar set up. There's \$800,000 available. They'll  
14 be required to have a 50 percent match, but in this case  
15 they can apply for an extreme financial hardship and get a  
16 reduced match requirement.

17 It's pretty straightforward. Are there any  
18 questions on either of those now?

19 CHAIRPERSON MOULTON-PATTERSON: No.

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
21 Items 20 and 21 are linked. Item 20 is the scope of work  
22 for the consumer education tire survey brochure and public  
23 service announcements contract. And item 21 is staff's  
24 recommendation to have California State University, Chico  
25 be the contractor.

1                   They have a research center with an instructional  
2 media center that can provide both the outreach, the  
3 survey, analysis with results and then actual development  
4 of any public service announcements, videos, TV spots  
5 whatever.

6                   So staff is recommending Chico to carry out that  
7 contract. Are there any questions?

8                   BOARD MEMBER JONES: Madam Chair?

9                   CHAIRPERSON MOULTON-PATTERSON: Steve.

10                  BOARD MEMBER JONES: The Tire Dealers Association  
11 contacted me and I put them in touch with your group.  
12 They want to do a focused campaign talking about tire  
13 maintenance, air pressures, letting people understand what  
14 some of the hazards are. I know I had mentioned it to  
15 Martha and to Lynn. And I think there may be some  
16 problems with -- it seems to me if we could take advantage  
17 of all the tire dealers in the State of California to work  
18 with us along with Chico to develop something that could  
19 end up being at the counter of every tire store, you know,  
20 both touting us and touting the tire dealer, there may be  
21 value.

22                  There's probably some bureaucracy, as I  
23 understood it, that might make that not doable. But I'm  
24 wondering if we're getting creative or figuring out  
25 something to take advantage of that.

1                   SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2   We can certainly look at having Chico work with the tire  
3   dealers. There might be a way that some of the materials,  
4   for instance, might be subcontracted, I'm not sure.  
5   You're right, the tire dealers as a private entity would  
6   have had to respond to a competitive bid if we were  
7   wanting to work with them, which was not really something  
8   we could handle under the timelines available to us right  
9   now.

10                  Going with the Chico system allows the shorter  
11   award timeline, if it meets the Board's approval.

12                  BOARD MEMBER JONES: And I guess I'm not  
13   advocating that they get a contract as much as I'm saying,  
14   you know, how does the Board feel about -- I mean, this is  
15   an association that represents tire dealers, not a tire  
16   dealer. And all I want to know is if the Board kind of  
17   feels like you know wherever we can work together with  
18   them to get this message out, if that makes sense, and let  
19   the lawyers and the staff figure out how we do it legally,  
20   you know, is that all right?

21                  CHAIRPERSON MOULTON-PATTERSON: Yeah. I think  
22   that's a good plan. Yes, it is with me.

23                  Mike.

24                  BOARD MEMBER PAPARIAN: I think in some ways it's  
25   a complementary effort to what's being proposed here. And

1 so, you know, I think coordination with this effort is  
2 fine, but I wouldn't want it to hang up this effort. But  
3 I think what you're suggesting with the tire dealers is a  
4 worthy idea. And, actually, when I was up at the NRC  
5 meeting in Seattle, I picked up some information from some  
6 national tire organizations that, you know, they've got  
7 some pretty good information about how much, you know,  
8 extended life you can expect depending on how you maintain  
9 your tires.

10 And I think that's an important component of what  
11 we do in our tire program, is extending the life of tires  
12 on the road so that there's fewer of them going out there  
13 for disposal.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mike.  
15 Twenty-three and 24.

16 MS. WILLD-WAGNER: Actually Item 22. Good  
17 morning, I'm Shirley Willd-Wagner with the Special Waste  
18 Division, and our half of the agenda --

19 CHAIRPERSON MOULTON-PATTERSON: I'm trying. We  
20 have a very long agenda today.

21 MS. WILLD-WAGNER: I'll try to be quick. Item 22  
22 is considering grantee requests to extend the grant  
23 agreements for the used oil opportunity grant. This is a  
24 competitive grant that was awarded by the Board in  
25 December of '99. The grant period is January of 2000 to

1 April of 2002.

2           And according to a policy by the Board in 1998,  
3 any request to extend the grant agreement beyond the  
4 three-year term needs to be brought to the Board. So  
5 whereas the grantees have only had this funding for two  
6 years, because it's in the third year of the fiscal year  
7 appropriation, we're bringing it to your attention.

8           The grantees will be here. There's a list of ten  
9 of them that are requesting an extension. If you would  
10 like the grantees to be here to present their case, they  
11 will be here. They've been notified if you tell us that  
12 that's really not necessary, of course, we'll tell them  
13 not to come depending on the length of your agenda.

14           But the reasons for the extensions are all listed  
15 in an attachment to the item.

16           CHAIRPERSON MOULTON-PATTERSON: Thank you. I  
17 don't think they need to come.

18           Does anybody feel strongly that they need to be  
19 here?

20           MS. WILLD-WAGNER: If you don't believe they do  
21 need to come, it is, of course, an expense and time for  
22 them, I can wait and hear from you in the next 24 hours or  
23 so.

24           Thank you.

25           Item 23 and 24 are linked. Twenty-three is the



1 scope of work, it is on consent, for Phase 3 of the  
2 boating clean and green campaign.

3 And item 24 then is the approval of California  
4 Coastal Commission as a contractor. This would be an  
5 interagency agreement. We've been working with the  
6 Commission since 1977 -- 1997 on this campaign. That  
7 would have been a bit long. And this is for Phase 3 and  
8 it's for 51,750.

9 CHAIRPERSON MOULTON-PATTERSON: I'd just like to  
10 say the Coastal Commission does a great job on this.

11 (Laughter.)

12 MS. WILLD-WAGNER: Lots of good feedback.

13 And that concludes the Special Waste Division.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
15 much.

16 BOARD MEMBER PAPARIAN: Thanks to the work of  
17 those Commissioners who were around a few years ago.

18 CHAIRPERSON MOULTON-PATTERSON: Okay, any public  
19 comments on special waste?

20 Seeing none, we'll go right into executive,  
21 administrative and policy, number 25.

22 DEPUTY DIRECTOR JORDAN: Yes, Madam Chair. Terry  
23 Jordan for the record.

24 Item 25 is consideration of approval of the  
25 submission of the California Integrated Waste Management

1 Board's annual Integrated Waste Management Report for the  
2 2001 reporting year as required by Public Resources Code  
3 Section 42926(a).

4           This item is submitted for your review to seek  
5 your approval to submit this report to the State  
6 organization facility assistance section within the  
7 Diversion Planning and Local Assistance Division.

8           It must be submitted on or before April 1, 2002.  
9 Therefore, we're bringing it forward to you this month so  
10 that we have plenty of time. The report covers our waste  
11 generation and reduction activities for 2001. You have  
12 just been handed a corrected report that has not been  
13 incorporated yet into your binder. It will be by the  
14 Board meeting.

15           I'm very pleased to report that the Waste Board  
16 recycled about 38.2 tons of material in 2001 or 41.2  
17 percent of our waste generation. We estimate that our  
18 source reduction activities diverted another 16.2 tons or  
19 17.5 percent of our waste generation.

20           Our disposal for the year was 38.4 tons of waste  
21 or 41.4 percent of our waste generation. This equates to  
22 a diversion rate of 58.7 percent. Our total generation  
23 will be reported at 92.8 tons. This is more than four  
24 tons less than projected for this year in our plan and is  
25 less than 1.5 pounds per person per day.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1           In the report, in Part 3 Section 1 the  
2 significant differences between the amounts in this year's  
3 report and the amounts projected in the plan are due to  
4 the variations in calculation methodologies and the  
5 sources of the data.

6           The projections were calculated based upon  
7 estimated generation rates. For the report, actual  
8 weights were available for the majority of the materials  
9 and actual generation rates and sample weights were used  
10 for others.

11           It is important to note that recycling results  
12 were below normal in January and part of February of 2001.  
13 Because the waste reduction program and the related  
14 infrastructure had not been fully implemented upon moving  
15 into this building, it took us awhile to get up and  
16 running.

17           However, since the kickoff of the waste reduction  
18 program in late March of 2001, our diversion rate has  
19 averaged 67 percent. And you might keep in mind that the  
20 actual plan was suggesting 67 percent.

21           If you'd like more information with regards to  
22 this today, Andrew Hurst is available and in the audience.  
23 He'd be happy to respond.

24           CHAIRPERSON MOULTON-PATTERSON: Thank you. I  
25 don't see any. Thanks for the nice report. And maybe we

1 can get to 75 percent next year or 67 our ceiling.

2           DEPUTY DIRECTOR JORDAN: Not, it's not our  
3 ceiling. We're continuing to work and promote other  
4 efforts. And you'll find the report quite comprehensive.  
5 Some of the bold italics that are in there are for your  
6 benefit. They aren't actually reported to the DPLA.  
7 However, they're important to note so you can see exactly  
8 what we're doing.

9           CHAIRPERSON MOULTON-PATTERSON: Thank you.  
10           Number 26.

11           ASSISTANT DIRECTOR SIMPSON: Madam Chair, Frank  
12 Simpson with the Office of Public Affairs. Item 26 is the  
13 Consideration of the 2001 annual report to the  
14 Legislature. And as we know, that's due on March the 1st.

15           First of all, I'd like to thank Chris Peck for  
16 working until 1:00 o'clock this morning, now that's a  
17 holiday, to get this thing out for you, but anyway, thank  
18 you, Chris, very much.

19           We disseminated this to you via E-mail this  
20 morning and distributed hard copies just a second ago. I  
21 think Mark Kennedy sent those out, if you have a copy of  
22 that.

23           This report will be filed electronically and will  
24 be put on our web site after board approval. I think that  
25 you will find this report to be extremely comprehensive

1 and detailed. It clearly outlines the Board's  
2 accomplishments for the year with critical links to the  
3 strategic plan.

4 And after you have a chance to look at it, we  
5 look forward to your input and your suggestions and  
6 comments, and we'll be glad to take any questions.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 And thanks, Chris, wherever he is.

9 Twenty-seven.

10 ASSISTANT DIRECTOR SIMPSON: Item 27 is  
11 consideration of sponsorship contract concepts and  
12 funding. At the December 2001 board meeting in San  
13 Francisco, the Board allocated \$100,000 from the IWMA for  
14 sponsorships. Subsequently, the budget subcommittee  
15 approved an additional \$75,000 from the used oil account,  
16 and that was on December the 19th.

17 In the following month, the Office of Public  
18 Affairs visited board member offices. We collected ideas  
19 and polled some sponsorship inquiries from our files  
20 compiling a list that we submitted to the budget  
21 subcommittee on February the 4th. At that time, the  
22 budget subcommittee prioritized all the projects as they  
23 are submitted in the agenda item.

24 As you know, the Board has been engaged in the  
25 sponsorship contract concepts process since 1990 to a

1 greater or lesser degree. Sometimes we have money,  
2 sometimes we don't. So it's a very fluid situation.

3 At present, we are working under evaluation  
4 criteria that we established in 1998. So with the Board's  
5 permission we'd like to go back and revisit that in the  
6 very near future and we, again, will take any questions.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you. Since  
8 the members of the subcommittee are here and we went over  
9 it in great detail, I think that will suffice for that  
10 one. Any questions from the audience on this portion of  
11 our agenda?

12 Okay, Waste Prevention and Market Development.

13 Patty.

14 DEPUTY DIRECTOR WOHL: Good morning, Madam Chair  
15 and Board Members. Patty Wohl, Waste Prevention and  
16 Market Development Division.

17 The first three agenda items 28, 29 and 30 will  
18 be loans, the first one being a loan for \$1,518,750 to  
19 B.A.S. Recycling Inc. And they take recycled tires, turn  
20 that into crumb rubber for asphalt, pavement and  
21 playground surfaces. They're located in San Bernardino,  
22 and this will be funded out of the tire funds that were  
23 set aside for this process.

24 And then Agenda Item 21 is a loan for \$700,000 to  
25 U.S. Rubber Recycling Inc. They manufacture continuous --

1                   CHAIRPERSON MOULTON-PATTERSON: It's Number 29.

2                   DEPUTY DIRECTOR WOHL: Yeah, 29, I'm sorry.

3 Continuous roll flooring out of crumb rubber. They're  
4 located in Riverside.

5                   And this would take the remaining money from the  
6 \$2 million set aside. And so partially it would be funded  
7 out of that two million, and the remaining would have to  
8 be funded out of IWMA or RMDZ direct.

9                   BOARD MEMBER PAPARIAN: Madam Chair, can I ask a  
10 question on this one?

11                  CHAIRPERSON MOULTON-PATTERSON: Mike.

12                  BOARD MEMBER PAPARIAN: There were a couple of  
13 items in this one I just wanted to ask about if we have  
14 the history of funding this sort of thing. It looks like  
15 we're going to pay this out of the loan, a salary of the  
16 salesperson and advertisements in possibly U.S.A. Today or  
17 elsewhere.

18                  In the past, my understanding is we've funded, at  
19 least my recollection, mostly equipment. There's been  
20 some discussion about real estate, lease hold improvements  
21 that kind of stuff.

22                  This is a little bit different, and I'm wondering  
23 if there's a history of doing this kind of funding or  
24 maybe you can get back to me later.

25                  CHAIRPERSON MOULTON-PATTERSON: I'd be

1 interested, because I don't recall.

2 DEPUTY DIRECTOR WOHL: Jim La Tanner is here.

3 MR. LA TANNER: Jim La Tanner with the RMDZ Loan  
4 Program. When we use tire funds to fund a loan, there's a  
5 separate section in the Public Resources Code that  
6 broadens what the funds can be used for. In the case of  
7 tire funds, they can be used for marketing and related  
8 purposes, but an RMDZ loan cannot.

9 BOARD MEMBER PAPARIAN: That helps.

10 And then the ads that are being proposed, the  
11 certified Grade A California rubber, presumably that's a  
12 gimmicky thing, we're not -- there's no program to certify  
13 California rubber, right?

14 MR. LA TANNER: Correct.

15 BOARD MEMBER PAPARIAN: Okay. Will this put this  
16 one company at more of an -- are we, through this process,  
17 putting this company at an advantage in comparison to the  
18 other crumb rubber producers, because we're giving them  
19 this type of marketing money for their own product.

20 CHIEF COUNSEL TOBIAS: Mr. Paparian, what if we  
21 get back to you on that and look at that.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

23 Thanks for bringing that up, Mike.

24 BOARD MEMBER PAPARIAN: Okay, thank you.

25 CHAIRPERSON MOULTON-PATTERSON: We'll go on to



1 30.

2           DEPUTY DIRECTOR WOHL: Agenda Item 30 is a loan  
3 to John V. Sleuter for \$63,000 to purchase a mobile  
4 grinder. He takes materials from construction sites like  
5 gypsum, wood and brick and uses that as a soil amendment  
6 in mulch and landscaping or base for driveways in the  
7 manufacturing of compressed wood. He's located in  
8 Humboldt County.

9           Any questions on that one?

10          CHAIRPERSON MOULTON-PATTERSON: I don't see any.

11          DEPUTY DIRECTOR WOHL: Agenda Item 31 is the next  
12 batch of compliance agreements that we're bringing forth.  
13 There's 14 companies and you should see the last batch of  
14 these for 97, '98 and 99 at the March board meeting.

15          CHAIRPERSON MOULTON-PATTERSON: Okay.

16          DEPUTY DIRECTOR WOHL: Agenda Item 32 is the  
17 third cycle of the reuse assistance grants. If you'll  
18 remember we have \$250,000. We can fully fund the top five  
19 and partially fund the six, and you received a copy of the  
20 eligible applicants just recently, and they were posted.

21          Any questions on that one?

22          CHAIRPERSON MOULTON-PATTERSON: No, I don't see  
23 any.

24          DEPUTY DIRECTOR WOHL: Okay. Agenda Item 33 is  
25 consideration of approval of the contractor for the

1 California Product Stewardship Initiative. This will be  
2 going to Boisson and Associates a contractor in the amount  
3 of \$43,800.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. I don't  
5 see any comments on that.

6 DEPUTY DIRECTOR WOHL: And then Agenda Item 34 is  
7 on consent. This is to get your approval to administer a  
8 U.S. EPA pollution prevention incentive grant. I really  
9 just wanted to highlight staff's work in obtaining this  
10 money for the North Natomas Landscape Management Outreach  
11 Program. It's a way to, you know, sort of extend our  
12 resources without hurting our IWMA account.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, and we  
14 appreciate that.

15 DEPUTY DIRECTOR WOHL: And then Agenda Item 35  
16 and 36 are tied. Thirty-five is the scope of work and 36  
17 is the approval of the California Air Resources Board as  
18 contractor for the 2002 electric mulching mower rebates.  
19 This took \$25,000 from IWMA and \$25,000 from used oil.

20 It will be going to the San Francisco Bay Area,  
21 the central valley and San Diego.

22 Then Agenda Item 37 and 38 are tied.  
23 Thirty-seven is the scope of work. Thirty-eight is the  
24 award of contract to the California State University for  
25 the statewide food residuals diversion summit.

1           As you know, 16 percent of the waste stream is  
2 food residual, and so we're looking at bringing these  
3 people together to have some conversations on how best to  
4 implement those programs.

5           Any comments there?

6           Then Agenda Item 39 and 40 are also tied. It's  
7 the scope of work, which is on consent. And then agenda  
8 Item 40 is the approval for the California State  
9 University Sacramento Foundation as the contractor for the  
10 conversion technology workshops and symposia. And this is  
11 an attempt to bring the stakeholders back together to talk  
12 about the technology to get a better understanding, sort  
13 of, a public education piece on that. And that is in the  
14 amount of \$35,000.

15           And that leads us to Agenda Item 41. Agenda Item  
16 41 is consideration of issues and recommendations from the  
17 January 8th, 2002 Regulation of Conversion Technologies  
18 workshop.

19           So as mentioned in the title, we did have a  
20 workshop on January 8th. We had about 40 stakeholders  
21 attend that workshop. Obviously, this item has generated  
22 a lot of discussion. And in particular, I wanted to note  
23 that we have put this as a time certain Item, 1:30 on  
24 Wednesday.

25           As you may know, Senator Romero is having a

1 Senate Select Committee meeting that same day between  
2 10:00 and 12:00, and a lot of the people that would want  
3 to attend that, it's on hazardous waste disposal, would  
4 also want to attend this, so we've tried to accommodate  
5 that.

6 CHAIRPERSON MOULTON-PATTERSON: So it will be  
7 Wednesday at 1:30.

8 DEPUTY DIRECTOR WOHL: Wednesday at 1:30.

9 And just basically, I wanted to let you know that  
10 staff has created a list serve regarding those interested  
11 in the subject, so we did make an effort to get this item  
12 out to all of the stakeholders, so that we could get their  
13 input.

14 We're looking for discussion. We've gotten a lot  
15 of feedback that they don't think we went far enough.  
16 Staff sort of attempted to take a middle ground in this  
17 attempt, and we just recently got a lot of feedback that  
18 the stakeholders wished we had gone further.

19 I'd like Howard Levenson to come up and just give  
20 you a little flavor of some of the comments we've received  
21 the last couple of days.

22 MR. LEVENSON: Good morning, board members.  
23 Howard Levenson, with the Waste Prevention and Market  
24 Development. We have gotten a number of E-mails late  
25 Monday and yesterday from a variety of stakeholders

1 stating for the most part that they support giving full  
2 diversion credit for conversion technology facilities.  
3 And also, at least initially, they were asking the Board  
4 to pull the item until March in order to provide for  
5 additional discussion.

6           Our basic response to them and I can give you  
7 more of the comments where I also was planning to  
8 summarize the specific comments in a handout for the Board  
9 meeting so you at least have them or I can forward the  
10 E-mails depending on your preference.

11           But our basic response is that we appreciate the  
12 input. We don't have any problems if folks disagree with  
13 our recommendations. We're mostly interested in starting  
14 a discussion now and seeing where it goes and hearing all  
15 the concerns. So, we definitely want to hear ideas on  
16 what a middle ground might look like, as well as any other  
17 options that people want to support.

18           And we've since had follow-up discussions with  
19 Yvonne Hunter who sent one of the E-mails talking about  
20 indeed having a discussion at the Board meeting next week  
21 rather than pulling the item. I think Yvonne will speak  
22 to that afterwards.

23           The E-mails are long and there are a number of  
24 different issues related to both the permitting aspect of  
25 the item and the diversion credit aspect of the item, and

1 so we'll try to put together at least a summary of what  
2 those comments are and provide that to you on Friday or  
3 Monday, as soon as we can get that together.

4 CHAIRPERSON MOULTON-PATTERSON: Great. And,  
5 again, I want to just publicly thank Patty, Howard, Judy  
6 Heidi and your entire team for the work on this. I  
7 really -- this is a tough issue and I really appreciate  
8 all your work.

9 Any other questions or comments?

10 Steve.

11 BOARD MEMBER JONES: Just one, madam Chair.

12 Howard, we've always said that this would -- that  
13 conversion technology could fit in nicely for post MRF  
14 residual. Are the comments or can you indicate when you  
15 do your summary, if the comments are consistent with that  
16 or if the comments are more about abandoning the sorting  
17 prior to the utilization of the technology, because I  
18 think that's critical to this Board. I know it's critical  
19 to me that this be after the material was MRFd. And I  
20 think that was kind of the consensus early on, but I'd be  
21 interested if you could highlight, Madam Chair, just so we  
22 get an idea, because I can't go there and I know most of  
23 the members won't go there either.

24 But it would be helpful.

25 CHAIRPERSON MOULTON-PATTERSON: I think that's

1 unanimous with the Board.

2 BOARD MEMBER JONES: Cool. Thanks.

3 MR. LEVENSON: We did define in the item the term  
4 diversion technologies loosely, because it's an umbrella  
5 term as handling post recycled materials. And I think  
6 most of the comments speak to that. Would it be better if  
7 we forwarded those E-mails directly to you or would it be  
8 better to summarize it, whatever your preference is?

9 CHAIRPERSON MOULTON-PATTERSON: I'd rather have  
10 them summarized. I don't know.

11 BOARD MEMBER JONES: That's fine.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you  
13 very much. And that ends the Waste Prevention and Market  
14 Development section.

15 Any public comments?

16 Yvonne.

17 MS. HUNTER: Madam Chair and Members, Yvonne  
18 Hunter with the League of California Cities. I'd like to  
19 follow up conveniently on the discussion of Item 41,  
20 Conversion Technology. And I, for one, am delighted that  
21 you've scheduled it for a time certain at 1:30, because  
22 there's a city attorneys workshop that day and I wanted to  
23 hear the sessions in the morning.

24 First of all, just to clarify, the League, I  
25 guess it was last year, adopted a pretty firm position on

1 conversion technology and the issue of AB 939 credit.  
2 And, in fact, we are supporting the Bogh bill. But we  
3 asked for one amendment which they agreed to put in, and I  
4 believe he's going to reintroduce it with that language.  
5 And that is if you're going to get 939 credit, you have to  
6 have removed the recyclable. So it's completely  
7 consistent with what Mr. Jones asked for and I think is  
8 unanimous for the league for the Board.

9           So the League's position is supporting full  
10 diversion credit as long as you remove recyclables. And  
11 this is conversion technology not incineration.

12           I want to emphasize that we agree with what the  
13 Chair said complimenting the staff on the thoroughness of  
14 the work they did, and frankly the Board members to thank  
15 you for following through with the commitment to give this  
16 subject the thorough review that a lot of people have been  
17 asking for and that we think it deserves.

18           Everything I heard about the workshop and the  
19 follow-up discussions from people were that they were  
20 glowing, and so we thank you for that.

21           We did have a number of concerns about the item,  
22 and initially had requested that it be pulled. In further  
23 discussion -- pulled because we appreciate that the staff  
24 was trying to find the middle ground. We think they were  
25 off just a little bit, and I think there are some other



1 ideas that we've been bouncing around that may hit the  
2 middle ground, at least from our perspective someone else  
3 may not view them as middle, but some alternatives that  
4 kind of mix and match with what some of the staff  
5 recommended.

6           So what I'd like to suggest is that -- and I get  
7 a sense from the Board members that you want to hear this,  
8 to have a discussion next week on this item, and perhaps  
9 bifurcate it. The issue of permitting the facilities,  
10 which, frankly, I am not well versed on from the technical  
11 aspects, I know there are some folks that have some  
12 differences of opinions. And if you want to move ahead  
13 with following up on those discussions and move ahead with  
14 informal discussions to develop a rule-making package,  
15 obviously that's the Board's wish or prerogative as long  
16 as there's an opportunity for a good dialogue with those  
17 that have some other ideas, and I know you always do that  
18 anyway.

19           And then for the 939 item, the diversion credit,  
20 suggest putting it over not one month, because I just  
21 found out March is in El Centro --

22           (Laugther.)

23           MS. HUNTER: And I've been to El Centro a number  
24 of times. The League's Board of Directors has had several  
25 meetings in El Centro. It's a lovely town.

1 (Laughter.)

2 MS. HUNTER: It is. I mean that in all  
3 seriousness.

4 And I've gone down there to give evening  
5 presentations, but that might be hard for a lot of people  
6 to get to, so perhaps put it over, the diversion credit  
7 piece, until April.

8 And then in the interim, direct staff to engage  
9 in those discussions that actually we just started having  
10 out here in the hallway, because I think there are some  
11 options to reach some closer consensus. But I know there  
12 are a lot of city and county people that are very  
13 interested in this, and would probably appreciate the  
14 opportunity to make some presentations at least.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 MS. HUNTER: And one other item. Just so we're  
17 clear, at least from the League's position, it's not just  
18 diversion credit, but one of the items that's in the  
19 recommendation is these conditions would include a  
20 determination by the Board that the proposed facility  
21 complements existing recycling infrastructure. That gives  
22 me as the League lobbyist a great amount of concern.

23 And it's something that I think we've all tried  
24 to stay away from because does that then open the door for  
25 the league making a determination that a future MRF

1 complements the existing recycling facility. I think  
2 there are other ways to get to the issue that I think this  
3 raises than this language.

4           So we look forward to next week and to productive  
5 discussions subsequently.

6           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
7 Yvonne. Any other comments?

8           Mark.

9           MR. MURRAY: Madam Chair and members, Mark Murray  
10 with Californians Against Waste, also on Item 41.

11           As you might imagine, we come from a different  
12 perspective than Yvonne and local government on this  
13 particular issue. I also want to communicate our  
14 appreciation to the staff in terms of the time and energy  
15 they put into this issue. We've put a lot of time and  
16 energy into this issue over the last several years talking  
17 to vendors, talking to local governments, talking to  
18 consultants about this technology.

19           And I want to say that we think that this  
20 technology has a tremendous amount of potential for  
21 dealing with the post-recycled residual solid waste and  
22 doing something with that as an alternative to disposal.  
23 I think that has a -- regardless of where one comes down  
24 on the diversion credit issue, I think we agree that this  
25 has some value.

1           And I think it's important to note that probably  
2 on 90 percent of the issues related to this, I think that  
3 there's a great deal of agreement among the stakeholders  
4 and I think that it's time to start to move forward with  
5 some of the issues where we do have that consensus in  
6 terms of, number one, on creating an appropriate  
7 permitting structure for these facilities.

8           Frankly, I think our biggest barrier to moving on  
9 these facilities is going to be financing, is going to be  
10 making them happen financially. We've been very  
11 supportive of trying to get some of these technologies  
12 happening. We've been supportive of the appropriate  
13 regulatory structure. We've been very supportive of both  
14 coming up with general funding for this technology as well  
15 as specific funding for specific facilities and specific  
16 types of technology. So I think nobody can say that we  
17 haven't been supportive of this technology.

18           The place that we have some issues comes down to  
19 the issue of diversion credit as it applies to the  
20 existing 50 percent.

21           You know, frankly, I wish that we were a little  
22 further along in knowing how well we did in terms of that  
23 initial 50 percent. And there's a lot of anxiousness on  
24 our part to kind of get beyond this kind of first phase of  
25 50 percent, and then looking beyond.

1           And as I've said, you know, both in these  
2 stakeholder processes and to your staff, we think that it  
3 would be very appropriate, as we look beyond 50 percent,  
4 whether one is talking about zero waste as you've  
5 identified in your strategic plan or higher diversion  
6 numbers, we think it would be absolutely appropriate that  
7 this technology be one of the ways the jurisdictions get  
8 there.

9           But in terms of the existing 50 percent and given  
10 the unknowns with regard to this technology, we're just  
11 not ready to cross that line. At the same time, we  
12 recognize that rightly or wrongly some jurisdictions are  
13 viewing the lack of diversion credit as a reason to not  
14 pursue this technology at this time. And I think that  
15 that's a major mistake.

16           I think we need to have some experience with this  
17 technology. I think that your staff has attempted to come  
18 up with a creative middle ground. And while, frankly,  
19 elements of that middle ground give us some discomfort in  
20 terms of the notion of providing diversion credit, at this  
21 time under the existing 50 percent for this post-recycled  
22 material, I'm not sure that it doesn't represent maybe an  
23 important way to kind of move this issue along.

24           This is an issue that's going to have to go to  
25 the Legislature to resolve the statutory definition. And

1 I'm kind of anxious to see this issue move along. And so  
2 while we may disagree with one aspect of this, I don't  
3 know that I want to discourage you from not moving this  
4 issue along and working within the Legislative process to  
5 make adjustments to that statutory definition.

6           Clearly, we need to make a distinction in the  
7 definition of this technology compared to transformation  
8 garbage burning technology. We've got to do that in  
9 statute. We need to get rolling on that. And I'm ready  
10 to go to work on that right now.

11           I think that on the issue of providing ten  
12 percent credit for this technology, I've got to admit, I  
13 think that's a really clever approach, given the fact that  
14 we're stuck with that ten percent on some processes that,  
15 frankly, we don't view currently as being recycling. So  
16 it's very difficult for me to object to that, what I  
17 think, is a fairly creative alternative and a way to kind  
18 of move this issue forward.

19           So I think, again, without specifically  
20 supporting that specific last aspect of the staff  
21 recommendation, I don't want to discourage this Board from  
22 moving forward that, and I think we can continue this  
23 dialogue parallel to your work and your stakeholder work  
24 that is excellent in the legislative process so that maybe  
25 by the end of this session we may have something that we

1 can move forward with.

2 Thank you.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mark.

4 And thank you for your continued involvement, we  
5 really want to work with you. I know there could be a few  
6 other speakers -- we'll take your question, Steve, but  
7 after this we're going to take a short break.

8 Steve.

9 BOARD MEMBER JONES: Thanks. Real quick, Mark,  
10 when you get a chance, you and I have talked about this in  
11 Santa Barbara at the soliloquy and quite a few times.  
12 Because we're going to have a short time, because we've  
13 got such a jam packed agenda, I think we do need to have  
14 some discussions, because it's critical, I think -- the  
15 number is critical, but I think really laying out what the  
16 ancillary benefits are that currently when loads are going  
17 directly to a landfill, because of either a new base year  
18 or a couple of really good programs, this changes that by  
19 it being post-MRF that material that normally wouldn't go  
20 through there now has to go through a process.

21 And what's the benefit of that not only in  
22 improving the number, but what's the benefit of that as  
23 the driver. And so I'd like to have discussion, as I'm  
24 sure other members would, because your support is critical  
25 to this thing, and your association's report.

1           And this should be the biggest accolade you have,  
2 because we went from nine percent recycling to an  
3 infrastructure that's at 42 percent recycling, and what's  
4 the next step? If you didn't envision it, which I know  
5 you guys did, this is the next step.

6           So I want to have that dialogue, because the  
7 number thing, I think, is critical to the investment.

8           MR. MURRAY: I appreciate that and I want us to  
9 have that dialogue both, you know, individually as well as  
10 with the Board. I think that we've come a long way as  
11 I've gotten a chance to talk to some of these vendors  
12 about this technology.

13           I do want to say that that particular point is so  
14 critical. And the fact that the Board would be making  
15 this distinction, I think it's important to recognize,  
16 that, frankly, especially with this whole 1066 process,  
17 we've gone beyond just numbers. I mean, it's become --  
18 local government has asked for a subjective process at  
19 this point where we're leaving it to the expertise of the  
20 Board to kind of make this thoughtful determination.

21           Otherwise, frankly, there's a lot of  
22 jurisdictions that didn't make it and should be fined  
23 tomorrow, but we've instead decided on this more  
24 thoughtful process. It requires subjectivity. And one of  
25 the aspects of that subjectivity is to say is this



1 facility going to, dare I say it, impede or impair the  
2 ability of that jurisdiction to meet diversion  
3 requirements.

4 So I think that that language having that  
5 language and that component of it is really important.

6 BOARD MEMBER JONES: Thanks, Mark.

7 Thanks, Madam Chair.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mark.

9 Would you just raise your hands if you still wish  
10 to speak during this section?

11 Okay, we're going to take a ten-minute break and  
12 then we'll come back to our next, Diversion Planning and  
13 Local Assistance.

14 (Thereupon a brief recess was taken.)

15 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
16 the meeting back to order.

17 Okay, I'm sorry.

18 Thank you for being patient. Okay, we're at  
19 Diversion Planning and Local Assistance and Patty Wohl  
20 will take over at number --

21 DEPUTY DIRECTOR SCHIAVO: Pat Schiavo with  
22 Diversion --

23 CHAIRPERSON MOULTON-PATTERSON: Excuse me.

24 DEPUTY DIRECTOR SCHIAVO: Item number 42 is a  
25 scope of work for contract concept. This was presented to

1 the Contracts Committee. We're proposing to have a  
2 contractor work with staff to go out and do audits, but  
3 then further taking those base year audits and trying to  
4 do some empirical assessment of them producing statistics  
5 to take a look at different values regarding information  
6 that we're gathering.

7           And we're proposing the money from two sources to  
8 support this, money that the Board approved for a food  
9 scraps contract as well as for the AB 75 awards program.  
10 For the AB 75 awards purchase we're still proposing to  
11 move forward, we just don't need the amount of funds that  
12 we original requested.

13           Are there any questions on that?

14           CHAIRPERSON MOULTON-PATTERSON: I don't see any.

15           DEPUTY DIRECTOR SCHIAVO: And Item number 43 is  
16 the approval of the Newpoint Group as the contractor to  
17 perform the work. They are a CMAS contractor. We have  
18 reviewed the potential conflicts and don't see any. They  
19 have experience in the recycling industry.

20           So any questions?

21           BOARD MEMBER JONES: Thanks, Madam Chair. Some  
22 of the things they're going to be going over and looking  
23 at new base years and how does that really reflect when  
24 they do an audit of programs and come up with a matrix for  
25 you or a --

1               DEPUTY DIRECTOR SCHIAVO: They'll be going out  
2 into the field with staff to do some audits for AB 75 as  
3 well as these. They'll be taking the information from  
4 these and compiling it into a database as well as some of  
5 the historical information they've gleaned from some of  
6 these past audits even doing some statistical analysis and  
7 look at ranges to look at some of the different types of  
8 programs, because now our base year formats are set up  
9 where you look at particular specific programs, and we  
10 will be looking at ranges and that, and seeing if we can  
11 find, you know, appropriate variations, and if there is  
12 any kind of patterns based on the different jurisdictions,  
13 their size, and et cetera.

14              BOARD MEMBER JONES: And they have no ties to any  
15 current authors?

16              DEPUTY DIRECTOR SCHIAVO: I asked several times  
17 and the response is they haven't done any base year  
18 analysis. They haven't done any source reduction  
19 recycling elements.

20              BOARD MEMBER JONES: That's good.

21              Thanks, Madam Chair.

22              DEPUTY DIRECTOR SCHIAVO: Item number 44 is an  
23 item that was put in the agenda packet last month and was  
24 pulled because we weren't able to do the audits in time.

25              The audits are still taking place and being

1 completed right now with the Board of Equalization STAFF.  
2 Our staff are going through and analyzing that information  
3 right now, so we don't have it completed. We're hoping to  
4 do it by the end of this week. If we don't, we're going  
5 to have to pull it again.

6           The one thing we do have added to this item is we  
7 have CalMat Reliance Pit Number 2 has reemerged in that  
8 their reporting materials as all beneficial use or ADC,  
9 such as they did before the July board meeting again. So  
10 we're seeing that reappearing.

11           We'll have more information for you. And, again,  
12 if it's not by the end of this week, then we're going to  
13 pull the item and bring it forward the next month.

14           Item number 45 is consideration of a  
15 recommendation on what to do with some late jurisdictions  
16 regarding their newly incorporated cities. One of the  
17 cities, Elk Grove, had their element due date of 1/1/02.  
18 Two others' due dates have passed quite awhile ago. They  
19 just fell through the cracks in our processes, and we're  
20 updating databases and trying to manage these things.

21           And those two cities actually are committed to  
22 becoming incorporated with their counties. We still don't  
23 have the finalization of that at this point in time, and  
24 so we're just asking for approval, if you want us to go  
25 forward with a stepwise approach for compliance, as we've

1 done with some of the others in the past.

2 CHAIRPERSON MOULTON-PATTERSON: I don't see any  
3 questions.

4 DEPUTY DIRECTOR SCHIAVO: Okay. Item number 46  
5 is consideration of approval for adopting the SB 2202  
6 workplan. In November the Board approved the actual  
7 report that was submitted.

8 And this workplan breaks out the elements into  
9 three major categories. One is potential statutory  
10 changes. The other list is regulatory changes. And then  
11 finally policy items that we can go ahead and implement  
12 immediately and some of which we have.

13 Regarding the statutory, there's three that we're  
14 looking at for immediate legislative proposals if the  
15 Board would like to direct us to do so. And then two of  
16 the others are actually doing some more study regarding  
17 the particular areas.

18 One of those you heard a little bit has a  
19 relationship to the item you just previously heard, and  
20 that's removing the existing ten percent diversion limit.  
21 But before we move forward there, we want to do more study  
22 on that. We don't have a timeframe on that, because,  
23 again, it's related to other activities taking place, and  
24 we think that would be very compatible with those other  
25 activities.

1           CHAIRPERSON MOULTON-PATTERSON: So when are we  
2 going to have real dates in the estimated time?

3           DEPUTY DIRECTOR SCHIAVO: On that, it ties back  
4 to performing the study regarding the diversion activities  
5 you just heard. So this would actually fulfill part of  
6 that. So on that particular item -- so, I mean, we can  
7 begin immediately if we start that process, because it's  
8 incumbent to support that other activity.

9           BOARD MEMBER JONES: Madam Chair.

10          CHAIRPERSON MOULTON-PATTERSON: Steve.

11          BOARD MEMBER JONES: I know that we looked  
12 through these as recommendations from 2202 workshops. Had  
13 we finalized these items and said go ahead and go forward  
14 with each one of these? I just don't remember the county  
15 one, where all jurisdictions get credit.

16          DEPUTY DIRECTOR SCHIAVO: Yeah, and this is if  
17 they chose to go that route, and this is a statutory  
18 change. And the Board may want us to go forward. It was  
19 part of that plan that was submitted to the Board.

20          BOARD MEMBER JONES: It was a menu of things that  
21 were presented to us and said go ahead and explore them or  
22 go ahead and do them?

23          DEPUTY DIRECTOR SCHIAVO: This is one of the ones  
24 that was recommended --

25          BOARD MEMBER JONES: To do.

1               DEPUTY DIRECTOR SCHIAVO: Because have other  
2 cities -- you know, if you've got -- a jurisdiction has  
3 got six cities, and three are doing real programs, two are  
4 doing okay -- or one is doing an okay program and two are  
5 doing no programs, what this is going to suggest is that  
6 they look at a countywide number and everybody is in  
7 compliance.

8               DEPUTY DIRECTOR SCHIAVO: No, the way it would  
9 read is that if they had a countywide -- well, if they're  
10 in compliance and if the programs are still being poorly  
11 performed, then there would be an issue, because it's  
12 programs and numbers, okay, so we'd still look at those  
13 programs.

14              BOARD MEMBER JONES: Right. But the way I read  
15 this is that they would get it. We don't have to go into  
16 a lot of it, but that's going to be an issue for me,  
17 because it should be an issue for the cities that are  
18 performing the work. The ones that are making the  
19 investment and doing the work are going to want to make  
20 sure that their neighbors are doing the same.

21              If they're at 75 and others are at 20 and all of  
22 a sudden they're at 48 combined, there's going to be a  
23 problem. So I just think we need to think that through  
24 and talk to some of those cities if they want to, you  
25 know, sell that credit basically.

1               DEPUTY DIRECTOR SCHIAVO: Again, the basics are  
2 programs and numbers, you can't divorce one from the  
3 other.

4               BOARD MEMBER JONES: I understand. Okay, thank  
5 you.

6               DEPUTY DIRECTOR SCHIAVO: Item number 47 is the  
7 first 1999/2000 biennial review streamline agendas that  
8 are coming forward. Historically, the Board has looked at  
9 this process in two prior biennial review processes. And  
10 the Board approved this process at its, I believe it was,  
11 July meeting of this year.

12              And the purpose of this is to look at those  
13 jurisdictions that are above 50 percent and are  
14 implementing the program. Staff have visited all of these  
15 jurisdictions to reaffirm that the programs are being  
16 implemented.

17              And so these are the jurisdictions that are being  
18 proposed to be brought forward. And Item 48 is  
19 essentially the same thing. There is a little nuance, and  
20 that's a difference of whether jurisdictions reserve the  
21 right to submit an SB 1066 proposal and that's on Item  
22 number 48.

23              And the Board has, you know, discretion to pull  
24 any one of these off that they may choose to pull off the  
25 streamline.



1                   CHAIRPERSON MOULTON-PATTERSON:  Mike.

2                   BOARD MEMBER PAPARIAN:  Yeah, I'm kind of torn.  
3  I very much sympathize with the streamlining, because, you  
4  know, I understand the tremendous strain your staff has  
5  been under lately in trying to get all this stuff done.

6                   On the other hand, some of the stuff in here I  
7  kind of have questions about that might have been answered  
8  if we'd gotten a little more information, so I'm not quite  
9  sure what direction to go.

10                  There are some obvious things here and these are  
11  what I think are obvious, that maybe need some extra  
12  explanation in maybe this item and in future items that  
13  are similar where you have a big jump from one year to the  
14  next that brings you over 50 percent.  There's a  
15  jurisdiction here that goes from 45 to 51.  There's a  
16  jurisdiction that goes from 41 to 64 in a single year.  
17  There's a jurisdiction that goes up two points every year  
18  until the year 2000 when it jumps five points in order to  
19  get -- it goes from 47 to 52.

20                  There's probably good explanations for all of  
21  this, but I'd be curious, you know, what is it that  
22  allowed them to make that big jump?

23                  DEPUTY DIRECTOR SCHIAVO:  Actually, staff is here  
24  and they can answer, you know, detailed questions as well  
25  as when we go through this process the jurisdiction will

1 be available as well. And they've had conversations with  
2 staff on some of the items you brought up, not necessarily  
3 the two point jumps, but the bigger jumps there are  
4 explanations on those. And that's why they were brought  
5 forward.

6           The reason we streamlined, again, is we have the  
7 450 jurisdictions, and if we get into too much -- yeah, I  
8 mean these are the ones that first focuses on the program  
9 implementation, and we feel satisfied with the programs is  
10 being implemented. And then the second cut is looking at  
11 the numbers, whether or not they're at 50.

12           And it's hard in some cases to qualify the  
13 preciseness of some of those numbers. And, as you saw, in  
14 the SB 2202 report, the smaller the jurisdiction, the more  
15 variation there's going to be in the number, just as a  
16 result without any of the other variables, just as a  
17 function of disposal reporting.

18           That's going to create a lot of variation and  
19 there's not a lot of ways to control that with the smaller  
20 jurisdictions. With the larger ones it should be more  
21 stable, because of the magnitude. And so that's part of  
22 the explanation as well as there's other explanation for  
23 program implementation that took place as well.

24           BOARD MEMBER PAPARIAN: I don't want to bog down  
25 our hearing with a lot of questions about individual ones.

1 Maybe I'll talk to you between now and then.

2 CHAIRPERSON MOULTON-PATTERSON: And then bring it  
3 up at the Board meeting.

4 BOARD MEMBER PAPARIAN: Yeah, but I think we may  
5 need to, at some point, take a look at whether we're  
6 getting the level of information that we really want in  
7 making an informed decision.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
9 Mike.

10 DEPUTY DIRECTOR SCHIAVO: Item number 49 is a  
11 base year change, as well as a 1997/1998 Biennial Review,  
12 as well as a compliance order agenda item for the City of  
13 Daly City in San Mateo.

14 Staff went out and did an audit. The results of  
15 the audit actually brought the jurisdiction up to 18  
16 percent. A big reason for that was finding some asphalt  
17 recycling that wasn't included initially. The  
18 jurisdiction has jumped up significantly since that time.  
19 As you see, there's been a real decrease in disposal  
20 reporting by 24 percent.

21 I think their number in 2000 are in the  
22 mid-thirties, so they do seem to be increasing  
23 significantly.

24 So are there any questions?

25 BOARD MEMBER PAPARIAN: Yes, Madam Chair.

1                   CHAIRPERSON MOULTON-PATTERSON:  Mike.

2                   BOARD MEMBER PAPARIAN:  You included in the  
3 agenda item the penalty structure that we approved awhile  
4 back.  Is that just for our information or are you  
5 thinking we should consider whether there should be a  
6 penalty here?

7                   DEPUTY DIRECTOR SCHIAVO:  It was a board member  
8 request about three or four months ago to include, or  
9 maybe longer, to include that in all these items.  So  
10 We've been including that language.

11                  BOARD MEMBER PAPARIAN:  Okay, thank you.

12                  CHAIRPERSON MOULTON-PATTERSON:  Thanks.

13                  DEPUTY DIRECTOR SCHIAVO:  Item number 50 is a  
14 five-year review report for the County of Tuolumne.  Staff  
15 has reviewed this and concurs with the findings.  So are  
16 there any questions on this particular one?

17                  CHAIRPERSON MOULTON-PATTERSON:  No.

18                  DEPUTY DIRECTOR SCHIAVO:  Okay.  And then Items  
19 number 51 and 52 are proposed for consent.

20                  And that concludes my presentation.

21                  CHAIRPERSON MOULTON-PATTERSON:  Thank you, Pat.

22 And we're going to go into our discussion portion.

23                  Was It your intent to put that first number --

24                  EXECUTIVE DIRECTOR LEARY:  No need to, Madam  
25 Chair.

1                   CHAIRPERSON MOULTON-PATTERSON: Okay, number 2,  
2 Presentation and Discussion of Public Venues Waste  
3 Reduction Program.

4                   Chris Schmidle will be making this presentation.

5                   MR. SCHMIDLE: Good morning, Madam Chair and  
6 Board Members. In the interests of time, I'll make my  
7 comments brief. There's more information in the package  
8 that I gave you. And I'd be more than happy to answer  
9 any questions you have.

10                  At its regular business meeting on July 25th,  
11 2001, the Board heard an oral presentation about the  
12 opportunities and barriers to public venues recycling and  
13 education. And at that meeting, the Board members  
14 indicated that they would like to see increased staff  
15 attention paid to recycling and education programs for  
16 nonState venues, such as private stadiums, amusement  
17 parks, and nonprofit museums.

18                  This is an update of our activities since the  
19 last presentation. Since I've been assigned to this  
20 project, staff has researched the issues of venues through  
21 literature and web site searches. I've met with top  
22 consultants in the venue's waste management and planning  
23 field. And, at this time, I'd particularly like to thank  
24 SCS Engineers and Joan Edwards & Associates who gave very  
25 generously of their time and proprietary information to

1 us.

2           We've also met with operators of major venues and  
3 the waste haulers and toured facilities with and without  
4 programs, developed a draft list of more than 300 of the  
5 larger venues in the State of California, and we're adding  
6 to that list as we identify them.

7           And principally we've developed a draft survey  
8 instrument that we plan on sending to a sample of about  
9 100 of the venues. The survey will contact venues of all  
10 types in the State with an emphasis on those having the  
11 largest attendance. Airports will not be included in our  
12 project at this time due to the security concerns.

13           The survey format will be mail contact with  
14 telephone follow-up as needed. And a copy of the survey  
15 instrument has been provided to you. If you have any  
16 comments or questions about it, please contact me.

17           Two of the key findings that we've developed so  
18 far is one that nonState venues are extremely complex in  
19 terms of the their relationships with suppliers and  
20 subcontractors.

21           This is unlike many of the other types of  
22 facilities that we've dealt with in the past.

23           Secondly, there's an economic basis of what we're  
24 doing. Most of these businesses are not opposed to doing  
25 recycling and waste reduction programs, but the big

1 concern for them is it's got to cost out. It's got to be  
2 cost justified and where do they get the money. So these  
3 will be big issues that we'll be dealing with as we move  
4 along.

5           In the next four months, staff will be performing  
6 the following tasks: In developing a database for  
7 maintaining all these venues information, so that we  
8 cannot only have information for staff, but also so that  
9 venues can do peer-to-peer networking; we will be  
10 implementing our survey and analyzing the results; I'm  
11 also developing a list of contacts at all of the major  
12 venues in the State; also we will be identifying and  
13 meeting with representatives of the major venue  
14 professional associations, and there are many of them.  
15 This is different than once, again, that we've done  
16 before. Each type of venue has its own little  
17 professional association. There's no one big contact  
18 point.

19           Lastly, we'll be mapping out a venues outreach  
20 plan and beginning venues tools development. Our expected  
21 outcomes in the next four months are a venues industry  
22 contacts database for distributing and peer sharing of  
23 information; a state of the diversion estimate for venues  
24 industry, including current programs, most wanted  
25 programs, potential sites for assistance and barriers to

1 greater diversion; agreements with the major venues'  
2 professional associations to develop a membership waste  
3 diversion interest group; a model venues diversion goal  
4 ordinance for local governments; and model diversion goal  
5 contract language for venues to use with suppliers and  
6 subcontractors.

7           The information we get from this survey and the  
8 contacts at our professional associations will guide us in  
9 developing a workplan for future activities. And we will  
10 continue to bring updates to the Board as the project  
11 progresses.

12           If you have any questions or concerns, you can  
13 contact me through my board web site address or by phone,  
14 and that's the end of my report.

15           Do you have any comments?

16           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
17 Schmidle. We appreciate your report. And I think there's  
18 some questions. Before, so I don't forget, Mr. Leary, if  
19 possible, on these presentations, if we could just have a  
20 very brief written --

21           EXECUTIVE DIRECTOR LEARY: I understand.

22           CHAIRPERSON MOULTON-PATTERSON: -- report before,  
23 we'd have more time to formulate our questions. I would  
24 really appreciate that, just something very brief.

25           EXECUTIVE DIRECTOR LEARY: I appreciate that,



1 Madam Chair, and we've tried to make some efforts and we  
2 still need to.

3 Thank you.

4 CHAIRPERSON MOULTON-PATTERSON: Thanks.

5 Mike.

6 BOARD MEMBER PAPARIAN: Yeah. Thank you, Madam  
7 Chair. Actually, Board Member Medina and I met with some  
8 folks last week who were interested in getting a major  
9 project going at a public venue.

10 And one of the problems they had, and some of  
11 them were really, you know, very familiar with what's  
12 going on with recyclable and compostable materials and so  
13 forth. Yet even they were having trouble getting good  
14 reliable information about the types of things they might  
15 use in a public venue, that are recyclable and  
16 compostable, whether it's cups or forks or whatever it  
17 would be, getting reliable information about the  
18 availability, the price, the deliverability, whether it  
19 can be delivered at a certain point in time, you know,  
20 when it's needed, at the quantities that they would need.

21 Have you run into this with other venues, number  
22 one, and number two, do you think it would be useful for  
23 us to somehow get involved in compiling that type of  
24 information about the availability of products which could  
25 be utilized to make a facility?

1           MR. SCHMIDLE: We do, through our business  
2 assistance group, we do have information about what  
3 kinds -- about types of materials you can get. And also,  
4 we have a recycled products trade show, which I would  
5 strongly recommend that they attend. We've got one in the  
6 Los Angeles area in April, 4th, 5th I believe. Those  
7 would be two good sources.

8           The problem I've run into is that there are so  
9 many different suppliers for the stadiums, you can have  
10 three different baseball stadiums who will have completely  
11 different contractual relationships, and completely  
12 different types of materials being used.

13           There are no standards in the facility, but if  
14 you give them their name, I'd be more than happy to try  
15 and help them track down some materials and answer any  
16 questions they have.

17           BOARD MEMBER PAPARIAN: Yeah, the types they're  
18 facing -- I mean, they knew the names of the companies  
19 that are out there. They've been having trouble getting  
20 reliable information from the manufacturers or  
21 distributors about the availability and price and  
22 deliverability of the information. We can talk about that  
23 separately.

24           MR. SCHMIDLE: Okay.

25           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mike,

1 for bringing that up.

2 Okay, Implementation of AB 75.

3 Thank you.

4 DEPUTY DIRECTOR SCHIAVO: This next item will be  
5 presented by Trevor O'Shaughnessy.

6 MR. O'SHAUGHNESSY: Good morning, Chair and  
7 Members of the Board. My name is Trevor O'Shaughnessy of  
8 the State Organization Facility Assistance Section.  
9 Excuse me.

10 I'd like to provide a status update of the  
11 implementation Of AB 75. To date, the Board has taken  
12 action on some facilities throughout the State of  
13 California. There is a total of 17. And on the back of  
14 your outline for this presentation are the 17 agencies  
15 that action was taken.

16 Of the 17, eight of them have come into full  
17 compliance with AB 75 by submitting a plan. Three of them  
18 are awaiting final board approval and they will be coming  
19 from the executive director, his request to use his  
20 delegated authority to approve their submitted plans. One  
21 organization is actively working with board staff. And we  
22 have five colleges that are basically not doing anything,  
23 not cooperating with staff nor asking for any assistance  
24 on the implementation or development of their plan.

25 Staff is trying their best to work in the door to

1 get them into compliance with development of the plan. We  
2 have set time lines and deadlines with them. And if we  
3 don't have compliance we'll be bringing forward an item to  
4 the Board to get further direction as to what we should do  
5 with those organizations and agencies.

6           The total number of plans that were received by  
7 Board staff was 486, to date, including all organizations  
8 and facilities, and of that excluding those five that  
9 haven't complied at all, are approved plans or are  
10 awaiting final approval by the Board.

11           From this we go into the annual reporting process  
12 that's coming up. The reporting process is due to the  
13 Board April 1st of 2000. And the Board has been working  
14 very diligently with the Information Branch of the Admin  
15 Division to develop an electronic annual submittal  
16 process.

17           Through that electronic annual submittal process,  
18 we will be providing many tools on line including what  
19 you're seeing on your screen which would hopefully be a  
20 video, an interactive video, of a workshop that we  
21 conducted, of which there was six throughout the State of  
22 California.

23           Of the six workshops, we had 470 attendees  
24 participate, representing approximately 300 agencies. So  
25 this video program, and that would be enough of that as

1 well --

2 (Laughter.)

3 MR. O'SHAUGHNESSY: But this video program would  
4 allow an organization to go through, and if they're a new  
5 recycling coordinator or if they've missed something in  
6 the workshop or weren't able to participate in the  
7 workshop, they'd be able to click on a particular part of  
8 the plan and find out what the key elements are that are  
9 required and due to the Board.

10 The electronic filing process is being done so  
11 that it can be done actively on line. There was passwords  
12 and access codes provided to all organizations. Back in  
13 January, we disseminated to the executive officers,  
14 president or responsible parties, and that's being  
15 trickled down through the system.

16 We also E-mailed all recycling coordinators  
17 letting them know that the password was put out there, so  
18 they could work from the bottom up to obtain that in a  
19 timely fashion.

20 Very briefly, an overview of the AB 75 law, which  
21 the Board staff continues to follow, and also fully comply  
22 with, Section 42926 of the PRC, Section B, lays out all  
23 the reporting requirements of the law. And the annual  
24 report that the Board has already previously approved in  
25 previous items meets all of those criterion, and also asks

1 for additional information that helps the Board in  
2 implementation of local government programs.

3           The other part of the Public Resource Code  
4 42920(b), Section 3 is the action that the Board is using  
5 to get full compliance of AB 939 or AB 75 and the  
6 submittal of the plans.

7           Nowhere in statute does it provide a "what if"  
8 statement. What if an organization, a sister agency does  
9 not submit a plan, does not submit an annual report, what  
10 do we do?

11           So part of staff's recommendation will be going  
12 back to the Legislature and asking for that direction of  
13 what do we do to get full compliance. Since the  
14 information we're compiling is based on a directive of the  
15 Legislature, we're compiling that and making it available  
16 for them.

17           CHAIRPERSON MOULTON-PATTERSON: Trevor, I thought  
18 the Legislature said that they were going -- if they  
19 didn't comply, their budgets would reflect it? Is that  
20 true?

21           MR. O'SHAUGHNESSY: That's what staff is  
22 understanding. That's what the Department of Finance has  
23 told everyone. But these are community colleges and they  
24 wear multiple hats. They either say they're local  
25 government because it fits nicely at the time or they say

1 they're State government. So they kind of flip back and  
2 forth their hats and we're working our best to find one  
3 that fits and meets everyone's needs.

4           The final area that I'd like to cover is  
5 CalTrans. And there was another handout that was provided  
6 to you that was a flowchart that outlines the overall  
7 implementation and development of a project. And the long  
8 box, state long range planning process. It then goes into  
9 a series of boxes that are a ten-year plan process, but  
10 that develop the programs over a 20-year period.

11           Of this, 75 percent of all funding is directed  
12 towards local government and their implementation and  
13 delegation of a specific board or decision-making factor  
14 of what projects to make. And then they bring that  
15 forward in their selection process of what projects they  
16 would do.

17           The third column where it goes S-H-O-P-P, January  
18 31st, even years, and that column all the way down is the  
19 short-term or five-year planning process in which the  
20 local government, the yellow boxes, as well as the State  
21 government working with federal funding programs start  
22 actually putting their numbers on paper for a planning  
23 process to outline how much money is going to go for the  
24 construction project, the diversion activities, the  
25 recycling activities and so on and so forth.

1           Throughout this entire process in our discussions  
2 with CalTrans, CalTrans in both their 20-year or long-term  
3 planning and short-year or five-year planning are  
4 developing a checklist to include diversion activities for  
5 State implemented projects, that actually CalTrans goes  
6 out and does on the federal right-of-ways I-5, 99, those  
7 connector routes, as well as for other projects that they  
8 do cooperatively with local government.

9           In implementing and developing that checklist,  
10 they will be strongly encouraging local government to use  
11 the same checklist, but there is no requirement that local  
12 government develop that same process. They can implement  
13 and develop their projects as they see fit to best  
14 maximize the funding allocated to them to meet their  
15 construction needs.

16           So that is a general overview of the flowchart  
17 from CalTrans, their overall direction and implementation  
18 of AB 75, and how they are doing their best to maximize  
19 their diversion and thus maximize their budgets on  
20 projects.

21           That would conclude staff's presentation and  
22 we're available for any questions you may have.

23           CHAIRPERSON MOULTON-PATTERSON: Mike.

24           BOARD MEMBER PAPARIAN: I think we're in on track  
25 to have some random audits of the annual AB 75 reports. I



1 think we got the funding for that approved. Is my  
2 recollection right or do we need to do anything else to  
3 get that auditing process in place?

4 MR. O'SHAUGHNESSY: That's being done and handled  
5 in two tracks. Staff will do, as the Office of Local  
6 Assistance does, for the program of implementing AB 75 go  
7 out and do random audits of facilities. In addition to  
8 that, this month there is the agenda item asking for the  
9 redirection of funds for both doing local government  
10 audits as well as State agency audits, and then using the  
11 same criterion outline to develop a tool for staff to use  
12 for continuation of audits throughout the implementation  
13 of the program.

14 BOARD MEMBER PAPARIAN: Okay, that item includes  
15 some actual audit money?

16 DEPUTY DIRECTOR SCHIAVO: Right.

17 MR. O'SHAUGHNESSY: Yes.

18 BOARD MEMBER PAPARIAN: Okay. Good, thanks.

19 CHAIRPERSON MOULTON-PATTERSON: Steve.

20 BOARD MEMBER JONES: Thanks, Madam Chair.

21 Trevor, is there a mechanism for you to get the  
22 list of those people that either are not doing this or  
23 haven't turned it in or aren't doing programs to the  
24 Department of Finance or to the -- I mean, you said the  
25 Department of Finance wants to know who it is. Do we have

1 a mechanism in place to let them know who it is?

2 MR. O'SHAUGHNESSY: At this time, board staff nor  
3 has the Board developed a formal mechanism of doing that.  
4 There is no formal contact that's been presented by anyone  
5 to the Board staff, nor do I have a knowledge it has been  
6 presented to our executive director as well as to whom we  
7 should be communicating this lack of cooperation for those  
8 five.

9 BOARD MEMBER JONES: Okay, because this  
10 legislation was put in place to help local government,  
11 where they have big agencies that basically turned its  
12 nose up at any local programs, and it was impacting local  
13 government's ability to achieve.

14 So now we've got plans and it sounds like in your  
15 presentation that the Department of Finance is saying  
16 we'll huff and puff, but I think we need to figure out a  
17 way to either have a check and balance that says these  
18 people are for real or they're not for real and then move  
19 that on to people so that they understand it.

20 If, in fact, it's going to be part of the budget  
21 process, it needs to be part of the budget process,  
22 because local government was getting killed and that's why  
23 this law was put in place. So I think we have an  
24 obligation to follow through on that.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Steve.

1               BOARD MEMBER PAPARIAN: Can I clarify, are the  
2 laggards just these five that we have in front of us or  
3 are there some more out there?

4               MR. O'SHAUGHNESSY: The five that are in front of  
5 you that are all community colleges, one of which is a  
6 community college district, so there's a district and its  
7 college within that district, those are the only ones  
8 staff knows of that are not complying with the  
9 implementation of AB 75. Every known agency, board,  
10 department, commission, et cetera, as outlined in  
11 legislation, has submitted some documentation to comply  
12 with the requirements of that statute.

13              BOARD MEMBER PAPARIAN: Good. I'm sure Yvonne  
14 will follow up with some of her jurisdictions to maybe put  
15 some pressure on these folks, too.

16              CHAIRPERSON MOULTON-PATTERSON: Thank you.

17              MR. O'SHAUGHNESSY: Thank you.

18              CHAIRPERSON MOULTON-PATTERSON: Okay, on to RMDZ  
19 zone renewal process.

20              Patty.

21              DEPUTY DIRECTOR WOHL: Is it good afternoon now?  
22 This is the discussion of the Recycling Market Development  
23 Zone renewal redesignation process. And just for your  
24 information, the first of the zones do not expire until  
25 March of 2003, but we're going to begin talking with the

1 zone administrators in those areas, and so we wanted to  
2 give you kind of an update on how that process might work.  
3 And John Smith will be presenting.

4 MR. SMITH: Thank you, Patty.

5 Good morning, Madam Chair and Board Members. The  
6 purpose of this briefing is to become familiar with the  
7 zone renewal process of which we'll begin in 2003.

8 And this will be the first time the Board will go  
9 through the renewal process. As you're already aware  
10 there are 40 zones throughout the State serving  
11 approximately 65 percent of the State's population.

12 By statute the zones were initially given a  
13 ten-year term. Zone administrators are required to apply  
14 to renew that designation, and that application must be  
15 reviewed by program staff and approved by the Board.

16 Existing regulations pretty well specify the  
17 renewal process, making it mostly an administrative  
18 function. Staff has been looking at that process further  
19 to further streamline it.

20 Staff is in the middle of developing a zone  
21 renewal application packet. And that will detail both the  
22 process, timelines and required documents that will be  
23 required to submit to the Board.

24 As Patty said the zones will first become needing  
25 renewal in the year 2003. Sixteen zones are due to expire

1 that year. We have ten coming due March of 2003.

2 Our plan is to send out the application packets  
3 next month so that the zone administrators will have quite  
4 ample time to submit their application. In addition to  
5 the regular requirements for a zone redesignation process,  
6 I'd just like to focus on the two unique things that will  
7 be required of the zone administrators for the zone  
8 renewal.

9 The first is a market development plan. If they  
10 haven't submitted a market development plan within the  
11 last three years through an expansion, they will be  
12 required to update and revise their market development  
13 plan where appropriate.

14 And to meet the environmental justice  
15 requirements of the Cal EPA and the Board, we'll ask zone  
16 administrators to self-certify that they do comply with  
17 the environmental justice statutes that their programs  
18 will comply with those, and inform us of any existing  
19 environmental justice issues at the time.

20 We'll ask the applicant also to identify any  
21 underserved groups in the zone, and make recommendations  
22 on how to better outreach to those folks. We are looking  
23 to provide further guidance for zone administrators to  
24 comply with the environmental justice requirements during  
25 an upcoming zone training conference.

1                   And throughout the process, program staff will  
2 work very closely with the zone administrators to ensure  
3 timely and complete applications.

4                   That's the end of my presentation. If there are  
5 any questions, I'd be glad to answer them.

6                   CHAIRPERSON MOULTON-PATTERSON: Thank you.  
7 Questions?

8                   Mike.

9                   BOARD MEMBER PAPARIAN: I hope I'm not opening up  
10 a can of worms here. Is there any value in sort of  
11 stepping back and looking at this whole zone system and  
12 saying is that what we need, at this point in time? I  
13 mean, let me take another step, what I'm wondering is why  
14 not just make the whole State a zone?

15                  MR. SMITH: Well, to jump immediately to that  
16 question, we need the resources to, you know, cover the  
17 entire state. Right now I was saying that approximately  
18 65 percent of the population is served. But we'd have to  
19 have increased staff to work with those zones to make sure  
20 that in the incentives that they offer, they're actually  
21 implementing them so that we can get recycling businesses  
22 in place.

23                  I think we've had good success in terms of our  
24 loan program, in terms of the almost 100 businesses that  
25 have been funded. And there's been multiple hundreds of

1 businesses that have been funded without the loan program.

2           So I think there's a good, you know, record  
3 through this program. And we're right now in the process  
4 of trying to better quantify the accomplishments solely of  
5 the zone administrators minus the loans, which they're  
6 apart of also. But there are a rather significant number  
7 of businesses that have been established, be they  
8 secondary processors of waste or developing companies that  
9 are producing new finished products, recycled content  
10 products.

11           BOARD MEMBER PAPARIAN: My basic question is, is  
12 there any value in taking a look at that system or are you  
13 feeling like it's working and doing its job?

14           MR. SMITH: I think for now it's working.

15           CHAIRPERSON MOULTON-PATTERSON: Steve.

16           BOARD MEMBER JONES: Yeah. I think it's a good  
17 question from Mr. Paparian. I think part of the efforts  
18 that we're doing in trying to see if we can use our  
19 dollars and get them multiplied by some factor without  
20 Outside lenders so that we can keep this program going and  
21 funded is probably an indicator that the usage, up until  
22 this point, have been low and then it went high \$10  
23 million or \$12 million just servicing those zones, and it  
24 took a lot of work for those RMDZ administrators locally  
25 to generate that business.

1           In fact, we had somebody that I think Heidi or  
2   somebody suggested a business move into an RMDZ that  
3   needed more space. And that entity did, so they could  
4   take advantage of those criteria of that RMDZ criteria.  
5   I'm not sure if we did the whole state. We don't have  
6   enough money, all things being equal, to do the zones.  
7   I'm not sure what we do if we had the whole State and who  
8   would cover those areas to go out and actually try to find  
9   those businesses.

10           But it's something to keep talking about, or you  
11   know, but I really think that until we get figured out how  
12   we're going to fund this next year, we ought to probably  
13   leave it, because we really do have our dollars stretched  
14   to the limit on this. And if we're not successful in  
15   partnering, it's going to really curtail.

16           Thanks, Madam Chair.

17           CHAIRPERSON MOULTON-PATTERSON: Now, the zone  
18   administrator salaries are paid by local government, is  
19   that right?

20           MR. SMITH: That's correct.

21           CHAIRPERSON MOULTON-PATTERSON: Okay, thank you  
22   for a good report.

23           Update on SB 337, Tricia.

24           (Thereupon an overhead presentation was  
25   presented as follows.)



1 MS. BRODDRICK: Good afternoon. This is an  
2 update on Senate Bill 373. I'm Tricia Broddrick from the  
3 Office of Integrated Education.

4 And Senate Bill 373 is a piece of legislation  
5 that was authored by Senator Tom Torlakson and has been  
6 established to initiate January of this year.

7 So what I'm going to do is provide a survey of  
8 its requirements and where we are in implementation. If  
9 you have any questions during the presentation, please  
10 don't hesitate to interrupt and just ask.

11 --o0o--

12 MS. BRODDRICK: So what does Senate Bill 373 do?

13 This particular slide highlights the major  
14 elements of the legislation, which include and mandate for  
15 the environmental concepts to be incorporated into the  
16 State science framework for K-12 students statewide.

17 It develops a unified education strategy for  
18 grades K-12 also. It creates an ambassador program that  
19 identifies and recognizes model programs at schools and  
20 school districts throughout the State. The development  
21 and implementation of a \$1.5 million grant program that  
22 provides or authorizes funding for school, school  
23 districts and county offices of education.

24 It also requires the provision of resource tools  
25 and assistance for the Integrated Waste Management Board

1 to be a part of that unified education strategy. So we're  
2 trying to blend what's happening in the classroom with  
3 what's going to happen on the campus.

4 --o0o--

5 MS. BRODDRICK: In order to really address any  
6 new education initiatives, it's critically important to  
7 understand the climate and conditions of education  
8 requirements and priorities that impact our teachers in  
9 the classroom.

10 There are two significant emphases that move and  
11 shape all education initiatives in California today. And  
12 the first is the focus on assessment. Student performance  
13 is identified based upon State standardized tests, as we  
14 all know, those all important API index scores.

15 Now, however, teacher performance and school  
16 success are also based on student success on these  
17 standardized tests. Thus, it really and truly is  
18 statewide assessment that moves and drives education in  
19 our state today.

20 The test of California students targets primarily  
21 and in the elementary grades only language arts and math.  
22 And as we go back to the first point that student  
23 assessment is the primary concern, school administrators  
24 and teachers are emphasizing these content areas at the  
25 exclusion of all others, and that includes science.

1           So where is science education today in  
2 California? That's a good question. And what can we do  
3 to work within this education conundrum and still promote  
4 education on the environment, particularly in integrated  
5 waste management.

6                               --o0o--

7           MS. BRODDRICK: The first step is to target the  
8 education standards and frameworks themselves. If an  
9 assessment is based on education standards adopted by the  
10 State Board of Education, then infusing those standards or  
11 those documents with environmental concepts then will help  
12 get teachers to incorporate thoes concepts in their  
13 curriculum.

14           Senate Bill 337 makes a good start on this by  
15 requiring the State Board of Education to incorporate  
16 environmental concepts into the state science framework.  
17 And even though those State testing highlights math and  
18 language arts, high school students are tested in science,  
19 an beginning in the year 2003, 5th graders will also be  
20 included. So this is a start.

21           I worked late last year with the California  
22 Department of Education and with the State Board of  
23 Education officials to draft this new language for the  
24 science framework and it is now before the Board of  
25 Education for final adoption.

1 --o0o--

2 MS. BRODDRICK: Senate Bill 373 takes one  
3 additional step to encourage the incorporation of the  
4 environment into teaching by requiring the Office of  
5 Integrated Education to develop a unified education  
6 strategy. This unified approach encourages schools to  
7 look at their site and their programs as a system and  
8 promotes active student learning and community involvement  
9 in designing both classroom learning and resource  
10 conservation projects.

11 And to determine the impact of such an approach  
12 and what it has on both students and the school  
13 environment, the Office of Integrated Education is to  
14 conduct an extensive evaluation process. So for the first  
15 time we truly can get some quantitative information on  
16 whether quote unquote "education works".

17 --o0o--

18 MS. BRODDRICK: Okay. We have this very unique  
19 and assessment driven education environment. Yet Senate  
20 Bill 373 requires us, the Waste Board, to facilitate  
21 infusion of environmental concepts into school curriculum.

22 How do we do this?

23 The State and Consumer Services Agency contacted  
24 the Office of Integrated Education and expressed an  
25 interest in participating in the unified education

1 strategy. They have emergency energy education funds and  
2 we're interested in developing or adopting environmental  
3 curricula that would teach the concepts of energy to  
4 students in California.

5           We agreed that in order to more successfully  
6 achieve our mutual goals, we needed to unify State  
7 agencies in the development and promotion of environmental  
8 education materials and services to K-12 schools.

9           And in addition these efforts must focus on State  
10 education standards and that all important State  
11 assessment.

12           What might this look like? Well, one example  
13 could be we could develop individual grade level modules,  
14 one for each grade, kindergarten, first grade all the way  
15 up and articulate the use the science standards for that  
16 grade as the context for those lessons.

17           But as these lessons evolve, they will weave in,  
18 of course, language arts and mathematic standards  
19 throughout the lessons. So we can say to teachers you Do  
20 not have to forsake science. Here are some quick and  
21 useful standards based assessment based lessons for your  
22 grade level.

23           And by the way, while you are teaching science,  
24 you will be reinforcing the language arts and math  
25 concepts along the way. But rather than, again,

1 developing a product and trying to push it on the market  
2 and again saying to educators this is what we really feel  
3 you should be doing, we want to find out from our  
4 stakeholders what kind of product will you use within the  
5 context of education today.

6           So what we decided to do is to first conduct a  
7 needs assessment or a survey of K-12 teachers throughout  
8 the state and administrators. The State and Consumer  
9 Services Agency is taking the lead on this. They have  
10 contracted with a very, very reputable environmental and  
11 education consultant to conduct the needs assessment using  
12 the STRS, the State Teacher and Retirement Services,  
13 mailing list or database that they have, which means it  
14 goes directly to teachers' homes, will have a 95 percent  
15 competence rating as a result of this survey.

16           After finishing the survey and hearing back from  
17 our constituents, what they can and will use, we will  
18 develop a product. And this will be a unified, of course,  
19 product, education product. And whatever is developed, we  
20 will be putting together an education web site on the  
21 Board. There will be a one-stop shop for all education  
22 resources that the Board has produced and published.

23   --o0o--

24           MS. BRODDRICK: Okay. The next element to Senate  
25 Bill 373 recognizes that there are existing exemplary

1 integrated education programs already out there. Thus,  
2 the legislation requires our office to identify those  
3 programs and develop a strategy to recognize them, and  
4 also provide that information as models to other schools  
5 throughout the State.

6 --o0o--

7 MS. BRODDRICK: In response to this particular  
8 requirement, we have identified a number of strategies to  
9 discover where those programs exist. And these include  
10 using or own regional staff through DPLA, the Office of  
11 Integrated Education or any other to locate these  
12 programs. And we do have internal education meetings  
13 monthly here within the Board, and we share resources  
14 information on school programs, so that would be a good  
15 venue to get that information.

16 We have the same kind of possibility for external  
17 constituents, which also include the Department of  
18 Education's regional network, Cal EPA representatives,  
19 because we also have the same monthly meetings with the  
20 Boards, departments and office education coordinators,  
21 local government and an interagency network CEEIN, the  
22 California Environmental Education Interagency Network,  
23 that is comprised of all the education managers from Cal  
24 EPA, the Resources Agency, Department of Health Services  
25 and Department of Food and Ag.

1                   We also have added a question to the needs  
2 assessment survey that asks the respondents do you know of  
3 any good programs and also requests permission to contact  
4 them to get more information about that. On our web site,  
5 our one-stop web site, we're also going to be putting a  
6 button there where they can contact us and give us  
7 information on good programs.

8                   BOARD MEMBER JONES: Madam Chair.

9                   CHAIRPERSON MOULTON-PATTERSON: Steve.

10                  BOARD MEMBER JONES: When you're looking for  
11 these programs that exist that have been brought forward  
12 to you as a good program, how do you find out if it's the  
13 program, the material or the teacher that's made it a good  
14 program?

15                  MS. BRODDRICK: That certainly could be a part of  
16 our query and it should be, because what you're finding  
17 out is what is the motivating factor to make these things  
18 happen. I would think of a couple of things, it should be  
19 all of those things together.

20                  What we're looking for in terms of model programs  
21 are not simply good diversion programs or good education  
22 programs sponsored by a teacher, we are looking for a  
23 school or a district, an educational institution that has  
24 approached it where the kids are learning in the classroom  
25 about environmental concepts, and they themselves are



1 involved or even instrumental in developing whatever is  
2 happening on campus.

3 BOARD MEMBER JONES: Or that it's transferable.

4 MS. BRODDRICK: Or that it's transferable. And  
5 even better than that is what's mentioned up there is  
6 something called service learning. And it's so different  
7 from community service. It's very innovative. There's a  
8 lot of federal dollars at the Department of Education on  
9 service learning and we have connected with that  
10 organization.

11 What they do is they get a community  
12 organization, it could be a recycling coordinator, it  
13 could be a regional quality board, it could be a  
14 corporation, and they actually work with the teachers in  
15 designing and developing curriculum, the concepts that  
16 will be taught to the students. Then the students lead  
17 the classroom and actually implement what they're learning  
18 in sponsorship with that external organization.

19 So that's another progressive way. I'd love to  
20 see some more of those programs, but that's the kind of  
21 information we're looking for.

22 Then also we are working with the DPLA on the  
23 awards program that they are developing. I want to have  
24 another category for an environmental ambassador, which  
25 would be reflective of what I just described, a school or

1 school district that has actually implemented an  
2 integrated unified education effort and doing it  
3 successfully.

4 --o0o--

5 MS. BRODDRICK: There's also a section on --  
6 there's a diversion component in Senate Bill 373. And  
7 this slide identifies those components, identifying models  
8 and developing tools for school districts. And it will go  
9 hand-in-hand in there. You know, we must have resources  
10 to provide the assistance to schools for diversion if  
11 they're going to be doing an integrated program.

12 Our DPLA unit is putting that together as a  
13 result of the diversion study and have put together the  
14 resource guide. We are working and collaborating with  
15 them on that to incorporate this into that component.

16 There's also the Division of State Architect's  
17 Office. We're trying to get schools and school districts  
18 to use more environmental preferable products. There will  
19 be a database of where both those products may be  
20 procured. We're assisting them in development of that.  
21 And all of this information, again, will be available on  
22 the Internet at that one-stop shop web site.

23 --o0o--

24 MS. BRODDRICK: Of course, the all important  
25 grant program. The \$1.5 million is available for schools,

1 districts, and county offices of education. There's a  
2 priority criteria that I've itemized below that lets you  
3 know those applicants who have one or more of these other  
4 criteria will be given preferential treatment.

5           The nice thing about that is that many elements  
6 of our efforts will intentionally fold together at the  
7 onset of the implementation of the grant program. The  
8 classroom materials, development of a partnership with the  
9 State and Consumer Services Agency will be ready, the  
10 resource guide book will be ready, the environmental  
11 ambassador awards program will be ready, and then the  
12 grant criteria and process should be in place by the end  
13 of this year. And we can expect grant availability by the  
14 beginning of year 2003.

15                               --o0o--

16           MS. BRODDRICK: Analysis and reporting. Of  
17 course, as I said earlier, there's a strong evaluation  
18 component to this legislation. There's a survey of school  
19 districts which we do anyway every two or three years to  
20 identify the amount and the level Of diversion that's  
21 happening on campus.

22           There's an element in this legislation that  
23 states that if fewer than 75 percent of school districts  
24 in the State are not recycling, are not practicing  
25 diversion programs, then the Waste Board must go to the

1 Legislature and report to the Legislature in that 2005  
2 report recommendations, the suggestions for future  
3 actions.

4           Now, there's a lot of schools in some  
5 jurisdictions that have confused that with mandate for  
6 recycling, but there's no State mandate for schools in any  
7 way, shape or form. But there is this component that is  
8 offered as an incentive to schools to participate now or  
9 in the future, you may not get any assistance and there  
10 may not be any grants available to get you lined up to get  
11 involved in the waste diversion practices.

12           Then, of course, the evaluation of the impact of  
13 the unified education strategy and the grant program both  
14 on student learning and what impact does this have on  
15 their API index scores and also on the level of  
16 conservation use of resources on the campus.

17                               --oOo--

18           MS. BRODDRICK: So that concludes my  
19 presentation. If there are any questions, feel free to  
20 contact me.

21           CHAIRPERSON MOULTON-PATTERSON: Thank you so  
22 much, Trish. We are very lucky to have Trish in charge of  
23 our Office of Environmental Education. She's respected  
24 statewide by the educational community. And I very much  
25 appreciate this. And I just want to publicly thank our

1 Governor for signing this bill, and entrusting our board  
2 with implementation. It's exciting. The children are our  
3 future and I really appreciate everything you're doing,  
4 Trish. And really this is a wonderful opportunity for us.  
5 And I'm really excited about it as I know my fellow board  
6 members are.

7 Any questions or comments?

8 Okay, thank you, Trish.

9 I hate to do this to you, I had hoped we would  
10 finish before lunch, but how many speakers -- how long is  
11 your report?

12 DEPUTY DIRECTOR SCHIAVO: It just depends on how  
13 many questions and how much discussion.

14 CHAIRPERSON MOULTON-PATTERSON: You know, I hate  
15 to ask people to come back after lunch but I don't want to  
16 short change the discussion.

17 Do you have any idea how long?

18 DEPUTY DIRECTOR SCHIAVO: I think it would be  
19 better to do after lunch.

20 CHAIRPERSON MOULTON-PATTERSON: I do too, so  
21 we're going to be back here at 1:30.

22 Sorry.

23 (Thereupon a lunch recess was taken.)

24

25

1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 the meeting back to order.

4 We had left off with our last item, discussion of  
5 SB 1066 application and process.

6 Pat, I'll turn it over to you.

7 DEPUTY DIRECTOR SCHIAVO: And this item will be  
8 copresented by Catherine Cardozo and myself. So we'll  
9 break it up so you guys don't get board with each one of  
10 us.

11 (Laughter.)

12 BOARD MEMBER JONES: Thank you.

13 DEPUTY DIRECTOR SCHIAVO: When the statute was  
14 first passed -- you know what I'd like to also add is I'd  
15 like to keep this very interactive. I think we can get  
16 more out of it that way. So as we're going along, if  
17 there's any questions, just go ahead and ask as we're  
18 going through this.

19 We conducted two workshops initially, one in  
20 northern California and one in southern California and  
21 gleaned some information. We brought it back to the Board  
22 and then we were directed to go out and do a number of  
23 other workshops. And we did 11 workshops from Redding all  
24 the way down to San Diego. And we had over 250 people in  
25 attendance at these workshops.

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1           And we, throughout a number of different issues  
2 regarding a good faith effort, timing, and process, et  
3 cetera. And it was in Redding that we actually started to  
4 build the model application format. And we started  
5 building it off of the characteristics or the actual  
6 statutory language. We tried to incorporate as much as we  
7 could into that process.

8           And as a result, we brought it to the Board in  
9 May of last year, and we solicited a lot of input from  
10 other people regarding the process. And we received a lot  
11 of favorable comments. And a lot of the reason was  
12 because we have a disposal based system, we made the  
13 application process one in which it recognized that, and  
14 so it's built from whatever that disposal based number was  
15 upward.

16           So I'm going to go over some of the key issues  
17 that were addressed and we'll just go through them.

18           Regarding the application timing, there's a lot  
19 of opportunity for jurisdictions to submit their SB 1066  
20 petition. And to date the status we have is there are 90  
21 jurisdictions that said that they are going to submit or  
22 have submitted an SB 1066 petition.

23           There's 230 jurisdictions that said they want to  
24 reserve the right to submit an SB 1066 petition,  
25 contingent upon what the Board's outcome is on the

1 biennial review process. There's 99 jurisdictions that  
2 stated in their annual reports that they would not be  
3 submitting an application. And there are three we still  
4 haven't heard from.

5           Regarding the 99 that said they will not be  
6 submitting an application, that falls into the purview of  
7 when the Board hears the biennial review process, one of  
8 the options is still to request the jurisdictions to  
9 submit an SB 1066 application, if the Board chooses to.

10           The other options are to either approve what was  
11 submitted or to place the jurisdiction on a compliance  
12 order. So that's pretty much the application process.

13           Regarding the review process, there's a number of  
14 criteria that must be met when a jurisdiction submits  
15 their SB 1066 application to us. One is the jurisdiction  
16 must be found to be providing a good faith effort in  
17 implementing their programs.

18           Another is that they must submit to the Board a  
19 plan of correction that indicates existing programs that  
20 they plan on improving or extending or expanding in some  
21 method.

22           Another is that they need to show a schedule for  
23 implementing new programs. And these could be composting  
24 programs, commercial sector programs, residential curbside  
25 programs, buyback programs, whatever it may be.



1           And finally, they need to show how they're going  
2 to fund the implementation efforts.

3           And all of these items are incorporated within  
4 the application process, so we met the terms of the  
5 statute that way.

6           Regarding good faith effort, it's staff's view  
7 that there's actually -- we're now dealing with the two  
8 levels of good faith effort. There is one that is for  
9 goal compliance and it's how a jurisdiction is meeting or  
10 achieving the 50 percent compliance effort.

11           And then the other is for the SB 1066 application  
12 process. And the way we're looking at it or the  
13 differences that we're looking at is for the application  
14 portion or the SB 1066 portion, we're looking at  
15 jurisdictions, whether or not they're implementing  
16 programs, doing a really good job of implementing  
17 programs, but we know there's more that can occur versus  
18 for goal compliance. We're looking at the jurisdictions  
19 essentially that hit the wall. They've done everything  
20 they can. There's just really not much more you can get  
21 out of their system, and that's how we're differentiating  
22 the good faith efforts.

23           There is another perspective and that's a good  
24 faith effort is one in the same for both programs. But  
25 the reason that we have differentiated those is that if

1 staff brings forward a good faith effort biennial  
2 review -- our recommendation as to good faith effort in  
3 the biennial review process, and. If the Board denies  
4 that and requests that the jurisdiction submit an SB 1066  
5 petition, then if it's one in the same, the  
6 jurisdiction -- how can you submit -- you haven't met one  
7 of the criteria of a good faith effort. And that would be  
8 a problem if it's one in the same.

9 If it's a little bit different, then the Board  
10 can still go ahead and approve the SB 1066 application.  
11 Is that clear? I mean, that's very confusing.

12 CHAIRPERSON MOULTON-PATTERSON: It is to me.

13 DEPUTY DIRECTOR SCHIAVO: And the statute is not  
14 very clear at all in this area.

15 CHAIRPERSON MOULTON-PATTERSON: Steve.

16 BOARD MEMBER JONES: Pat, it kind of confused me,  
17 too. If somebody comes forward -- let's say that  
18 somebody, I don't care, they're at five percent. No,  
19 that's not right. They're at some percentage, and they  
20 want to come in front of this board and show -- they want  
21 us to make a finding that they're in compliance of the  
22 biennial review based on a good faith effort, and we've  
23 done an audit, staff has gone out and done an audit to  
24 look at it.

25 And, in fact, a lot of their programs aren't

1 being implemented or they're below the participation rate,  
2 for whatever reason, they come in and we say no, you know,  
3 the programs don't suggest that you are making a good  
4 faith effort.

5           You've got the foundation, but we need to tweak  
6 it, do we have the ability then to suggest an SB 1066?  
7 And what you're saying is we're kind of in a conflict here  
8 because they're asking for good faith for compliance of  
9 the biennial review.

10           I see good faith as a two-part thing. It is a  
11 determinant for the biennial review, but there was some  
12 good faith that was involved to design the programs in the  
13 first place. So is that the kind of cover that this  
14 Board -- not cover. Is that the kind of finding that this  
15 Board can make to suggest an SB 1066 extension?

16           DEPUTY DIRECTOR SCHIAVO: Yeah, in that  
17 particular case, that would work. For jurisdictions that  
18 have reserved the right, it means the Board can make the  
19 determination through the biennial review process that the  
20 jurisdictions reserve the right, depending on the outcome  
21 of the biennial review process.

22           And then they can go ahead and submit their SB  
23 1066 petition. And that's where the whole conflict of  
24 good faith effort comes into play. Because if the Board  
25 denies a good faith effort for a biennial review standard

1 and a good faith effort is one in the same, then how can  
2 you approve a 1066 petition.

3 BOARD MEMBER JONES: But is that the staff  
4 interpretation of what a good faith effort is?

5 DEPUTY DIRECTOR SCHIAVO: That's our  
6 interpretation.

7 BOARD MEMBER JONES: And maybe the Board needs to  
8 talk about it, but good faith effort -- I think there's  
9 levels of good faith effort. One of them being, you know,  
10 a city that's hit some number, but they've done every  
11 program conceivable. Some they have participation, others  
12 they don't, but they're putting in as good an effort as  
13 you can put in or -- no, let me back up. And coupled with  
14 that, they have a waste stream, because part of this is  
15 the waste -- the real waste characterization study.

16 They have a waste stream that has limited  
17 potential for recovery. Okay, let's say that the number  
18 based on the waste characterization that when the Board  
19 originally approved SRREs, it was a two-part test  
20 basically. Do the programs that you have in place or that  
21 you've identified that you're going to try to do really  
22 attack the waste stream that's out there?

23 So that was based on the waste characterization.  
24 And there was real issues which you'd have to be 100  
25 percent successful in some cities to recover 55 percent of

1 the waste stream. Well, nobody is going to be 100 percent  
2 successful in recovering all this material.

3           So there is going to be some number less than  
4 that. That's still a pretty good faith, but it's based on  
5 the characterization of the waste stream as well as the  
6 programs.

7           If we're not allowed to look at the waste  
8 characterization as part of the good faith effort for  
9 compliance with the biennial review, because they've  
10 identified programs to attack that waste stream, I think  
11 that's one standard.

12           Then I think the other standard is that they put  
13 programs together based on things and they didn't -- this  
14 is their process to reevaluate what their successes or  
15 failures are and where they need to change the programs.  
16 And this gives them that timeframe to reassess programs.  
17 And that's just normal management is you plan, you do, you  
18 review, and you change, right or you evaluate and then you  
19 change, you make whatever changes you need.

20           That's how I've always looked at this 1066, so  
21 I'm not sure that staff has to be in a quandary, but I  
22 don't know how the other members feel about it, because I  
23 think there's two levels there.

24           DEPUTY DIRECTOR SCHIAVO: That's our contention  
25 is that there's two levels, because if it's one in the

1 same, then you all of a sudden preclude the other option.  
2 And the Board has full discretion with a good faith effort  
3 and how you view it, so you do have a lot of flexibility  
4 with that. Again, our contention, and it sounds like what  
5 you stated was the same thing, it has to be two different  
6 levels for 1066 versus goal compliance.

7 CHAIRPERSON MOULTON-PATTERSON: Okay.

8 BOARD MEMBER PAPARIAN: I'm still absorbing this.  
9 I'm not -- yeah, I mean it seems very peculiar to me that  
10 you have something called good faith effort in the same  
11 subject area meaning two different things depending on  
12 where you apply it.

13 It seems like it ought to be called something  
14 else if the intention was to have it be something else. I  
15 don't know. Maybe, you know, I'll bet Ms. Hunter had some  
16 role in drafting that language.

17 (Laughter.)

18 DEPUTY DIRECTOR SCHIAVO: We've had this --

19 BOARD MEMBER PAPARIAN: I suspect I know what her  
20 answer might be. I mean, is our legal staff comfortable  
21 with having it mean different things?

22 STAFF COUNSEL BLOCK: Elliot Block, legal  
23 office.

24 Yes. I think that perhaps another way just to  
25 look at this is that we're just trying to -- again, this

1 is a discussion item going back over, sort of, the  
2 context. And what we're dealing with is just trying to  
3 raise that issue, again. I think we've raised it in the  
4 past when we adopted the procedures, I don't remember the  
5 dates, but whenever we've done that in the past.

6           By the nature of the way those statutes are set  
7 up and the way they have to work together in terms of  
8 practical means, even though that same term is used, it's  
9 got to mean something a little bit different when applied  
10 in two different contexts. There are two different  
11 contexts there.

12           And I think that what Pat is trying to emphasize  
13 is the fact that you need to keep that in mind that when  
14 the Board is evaluating good faith effort for the purposes  
15 of saying your jurisdiction is done and they've done what  
16 they said they would do, that's sort of one standard.

17           But that if the context that you're dealing with  
18 is the jurisdiction coming in and saying, you know, we've  
19 had some time, we've got some additional things we think  
20 we can do, that the good faith effort when applied in that  
21 context is something less. In other words, they're coming  
22 in and saying we know we haven't done everything under the  
23 planet and that's why we have a plan of correction for  
24 you.

25           And so the trick is, and I think in terms of --

1 when Pat talks in terms of quandary, he's just saying a  
2 quandary is really because the statute uses the same term  
3 in two different contexts, and it can't really mean the  
4 same thing in those two contexts. So it's a -- I don't  
5 think in practice as we run through it, it's going to be a  
6 problem. I mean, that's obviously the Board is going to  
7 be able to make that decision, essentially case by case.

8 But it's certainly something that bears  
9 repeating, because we hear this all the time. People say  
10 well good faith effort and they throw that term around.  
11 And it's got to be interpreted and applied within a  
12 particular context that is coming forward, either a  
13 biennial review or a 1066 application.

14 CHAIRPERSON MOULTON-PATTERSON: And are we going  
15 to let the jurisdiction know this, try and explain it to  
16 them?

17 DEPUTY DIRECTOR SCHIAVO: Yes. It's part of  
18 the -- yeah, I mean it should be conveyed as we work with  
19 them daily and hopefully it is conveyed. But it is still  
20 confusing when we did all of the workshops and when we did  
21 some requests for solicitation of information, it was  
22 still very confusing. I mean, it's not a very clear use  
23 of the term.

24 CHAIRPERSON MOULTON-PATTERSON: Yeah, I can see  
25 where -- I mean, I can see why you need it, but Edna and



1 then Yvonne.

2           DEPUTY ATTORNEY GENERAL WALZ: I think one of the  
3 things that you can do is in regulations you can say good  
4 faith A and good faith B. You just tag them so that you  
5 can call it good faith, but you add a second tag so you  
6 can distinguish the one from the other. And so people do  
7 know that you're talking about two different things.  
8 Regulations can clarify that.

9           CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.  
10          Yvonne, did you wish to speak?  
11          Yvonne Hunter.

12          MS. HUNTER: Thank you. Yvonne Hunter with the  
13 League of Cities. We were the sponsor of the bill. And  
14 depending on how the conversation evolves, I may want to  
15 come up again, but on these topics --

16          CHAIRPERSON MOULTON-PATTERSON: Since we're being  
17 interactive, I thought now would be good.

18          MS. HUNTER: First of all, the background paper  
19 that staff prepared is excellent. I think it covers a lot  
20 of things.

21                To put the good faith effort discussion in  
22 perspective, let me back up a little bit and explain a  
23 little bit more why we introduced or we sponsored SB 1066.  
24 Senator Sher carried it.

25                And it touches a little bit on the background

1 paper. It's true the jurisdictions who were at 35 and 40  
2 percent, whatever figure you take, pre-1066, could have  
3 said -- could have easily gone to the Board, and under  
4 let's just assume it's a jurisdiction that is meeting --  
5 is making a good faith effort, they just aren't there yet.  
6 They most likely, pre-1066, would have come to the Board  
7 and said look we've tried everything. We want to continue  
8 to work on this, please give us a good faith effort, don't  
9 penalize us.

10           And the Board most likely, at least everything  
11 we've heard, would have said, you know, you're right.  
12 You're doing a great job. Go forward, continue, have at  
13 it.

14           But there were a lot of jurisdictions that wanted  
15 to be able to say we achieved 50 percent realizing there's  
16 a balance between programs and numbers, that for our -- I  
17 mean, we heard a lot of it from city staff as well as from  
18 council members. We want to be able to tell our community  
19 that everything that we, as a community, did,  
20 collectively, we actually got to 50 percent, due to a  
21 variety of problems, some of the things that Steve talked  
22 about, you know, this way and then you correct and back  
23 and forth. We think we may need a couple of more years to  
24 get there and they wanted a formal opportunity to do that.  
25 So that's where SB 1066, actually the genesis of it, was.

1           And the issue of -- but I want to clarify, it was  
2 always the intent that it was optional to apply for a 1066  
3 extension. In fact, I don't think there's anything in the  
4 bill that says the Board may direct them to do that. Now,  
5 you may send signals out to say we really think you  
6 should, but we would actually prefer that you don't.

7           And, in fact, the only place -- I actually reread  
8 the law yesterday. The only place where there's any, that  
9 I can find, reference to that in the Board's review is  
10 under, I think it's 41850, that's when you're evaluating  
11 everything on whether or not to impose penalties.

12           And one of the items, this is on the chaptered  
13 version of the bill, page 10, paragraph 4, the Board is  
14 considering a whole bunch of things, whether the  
15 jurisdiction has requested and been granted an extension  
16 to the requirements of it or an alternative diversion.  
17 Unless I read it too quickly and missed something, that is  
18 the only place.

19           So we would encourage you to be very cautious  
20 before requiring it, because I don't think you can require  
21 a jurisdiction to submit an extension. I talked to a  
22 jurisdiction the other day that was in the mid to low  
23 forties. And first they thought they might go for a 1066  
24 extension and they're not too sure. Their numbers are  
25 pretty firm. And if they don't want to submit a petition,

1 I don't think they should have to.

2           If the Board agrees they're making a good faith  
3 effort, we want you to continue to do annual reports, keep  
4 us posted, I think that is highly appropriate. And  
5 certainly I heard a couple of jurisdictions that are at 48  
6 or 49 percent, and they clearly shouldn't be required to  
7 do it, because as we all know the numbers, maybe they're  
8 at 45 and maybe they're at 53 percent, so there shouldn't  
9 be any fine line.

10           And then finally about the two definitions of a  
11 good faith effort. I remember absolutely distinctly  
12 raising that question at some point in the bill's drafting  
13 and whether or not they needed to take the same definition  
14 that we had under the penalty and position and reference  
15 that for purposes of 1066 good faith effort means.

16           However, just as well as I remember raising that  
17 question for the life of me, I can't remember what the  
18 answer was.

19           (Laughter.)

20           MS. HUNTER: But I do believe it was what Elliot  
21 said. I think, in fact, you and I had a conversation  
22 about the two standards. But clearly, with my feeble  
23 memory, and unfortunately it seems to be getting more  
24 feeble as the years go on, I think what Pat has suggested  
25 is accurate, but we would encourage you to -- I think you

1 already are, so I want to emphasize that this is not a  
2 criticism.

3           This is designed to help cities that actually  
4 want to reach a number. And if they don't apply for an  
5 extension, that should be okay too, as long as they're  
6 making a good faith effort to implement their programs,  
7 and their numbers balance. And if they don't, you have  
8 enough enforcement tools, I think, to get them to move  
9 along.

10           So I hope this provides some clarity. And  
11 anything else you need, please let me know.

12           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
13 Yvonne. That's very helpful.

14           Okay, did you want to go on?

15           DEPUTY DIRECTOR SCHIAVO: Sure. The next item is  
16 the length of an extension. And for the first or the  
17 initial extension request, the jurisdiction is given up to  
18 three years.

19           Now, the Board has discretion on the number of  
20 years ultimately. So if a jurisdiction is implementing a  
21 fairly simplistic menu of programs and they're requesting  
22 three years, the Board can look at that and recommend a  
23 different term of years to be implemented.

24           Conversely, if a jurisdiction is implementing a  
25 host of programs, they have to order equipment, and get a

1 lot of different approvals, pilot test some of this and  
2 they're not asking for enough time, the Board can also  
3 recommend additional time. So the Board has discretion on  
4 the length of an extension being requested.

5           Regarding the evaluation of programs being  
6 requested in the extension, the Board does have the  
7 opportunity to suggest additional programs being  
8 implemented. So you can take a look, and if a  
9 jurisdiction is, you know, 80 percent commercial and 20  
10 percent residential and all they're looking at is adding  
11 some residential programs, obviously there's some issues  
12 there, and we would bring that forward to you and then you  
13 can make additional suggestions to get them up to the --  
14 or we can even recommend some suggestions to get them to  
15 that point. So the Board does have that opportunity to  
16 evaluate the programs and make suggestions.

17           Regarding the timing for initiating a 1066  
18 extension, the point in time in which the extension is to  
19 commence is the time in which the Board approves the  
20 request. So if a jurisdiction requests an extension that  
21 commences in 2001, while they're going ahead and  
22 implementing those programs, that's great, but the actual  
23 timeline commences at that time in which you approved the  
24 extension, so that would be commencing in 2002.

25           Regarding the approval process, the statute is

1 very clear that it needs to be heard and considered on a  
2 case-by-case basis, so again you have a lot of discretion  
3 there.

4           And if the Board does determine that they do not  
5 want to approve an extension, you must cite a reason for  
6 that extension to be denied.

7           Those are essentially some of the basic ground  
8 rules. And Catherine is going to go ahead and walk you  
9 through the time extension model or application, as well  
10 as walk you through a mock up of an agenda item that we  
11 put together that we're trying to convey better  
12 information to you. So we'd like to get suggestions if  
13 that's going to work. And we tried to categorize the  
14 information a little bit more clearly for you.

15           MS. HUNTER: Is it okay if I just jump in here?

16           CHAIRPERSON MOULTON-PATTERSON: Sure.

17           MS. HUNTER: One thing that I want to comment on,  
18 clearly the statute gives the Board flexibility in the  
19 length of the extension, but building on the discussion of  
20 a couple of weeks ago with Loma Linda, if a jurisdiction  
21 is requesting a three-year extension, it would be very  
22 difficult for the Board to say no we don't want to give  
23 you three years, we only want to give you one year, not --  
24 for the practical reason that they may not be able to get  
25 everything done in one year.

1           And the type of programs that the plan of  
2   correction that they have suggested has been based upon  
3   the idea of three years. And so to cut it back to a year  
4   or even two years would be unfair to the jurisdiction.

5           Now, if there are discussions before this  
6   actually comes to the Board, and there's agreement reached  
7   that maybe you should scale back, that's one thing. But  
8   we would strongly object to the Board unilaterally saying  
9   no we're only going to give you one year, because they're  
10   basically scheduled to fail.

11          I mean, you're guaranteeing if they have put  
12   together a program, as Mr. Jones said, planning it, we're  
13   going to buy the equipment, we're going to test the  
14   program, we're going to implement it, they won't be able  
15   to do it in one year, whether it's Loma Linda or some  
16   other jurisdiction. They would have brought a different  
17   type of plan to you.

18          And just remember that they need to, in their  
19   annual report, provide information on what they're doing  
20   to implement their plan of correction, so that you will be  
21   getting regular reports.

22          And absolutely this envisions a case-by-case  
23   basis. That was intentional, and there had been some  
24   thinking by some parties to just do a blanket extension,  
25   50 percent by 2005. And that is not something the League



1 embraced. Instead, we thought a better approach is a  
2 case-by-case basis.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you. Pat,  
4 are the annual -- say we gave it a three-year extension  
5 and -- the annual report is our main means of monitoring?

6 DEPUTY DIRECTOR SCHIAVO: It's set up so you can  
7 monitor them on an annual basis or if you would like, I  
8 mean, we can always do more frequently than annual. It's  
9 your option. The annual report is set up so it can handle  
10 that as well.

11 The shorter duration of an extension, I'd  
12 recommend more frequent reporting, because things happen  
13 quicker and longer.

14 CHAIRPERSON MOULTON-PATTERSON: Steve.

15 BOARD MEMBER JONES: Thanks, Madam Chair. One  
16 thing we're not talking about, and I think we need to  
17 include it in this context is SB 2202. And I don't want  
18 to confuse the issue, but SB 2202 kept the mandates in  
19 place. It not only enforced -- before we had a mandate  
20 that said we've got to hit 25 percent by 95 and 50 percent  
21 by 2000.

22 Now, we have a law supported by -- I mean  
23 written -- I mean sponsored by good people and went  
24 through the Legislature and signed by the Governor that  
25 said every two years those mandates stay in place. Those

1 mechanisms stay in place to make sure that people continue  
2 to go down.

3           So one of the issues we have to talk about is if  
4 somebody gives a good faith effort in the year 2000 or  
5 next week, in two years they're going to be in front of  
6 this Board or you're going to bring us a list of people  
7 from the biennial review that may not have continued to  
8 exhibit good faith effort, because they abandoned the  
9 programs. And our revenues are compliance orders, right  
10 and ultimately fines.

11           So we've stayed the course. SB 1066 gives those  
12 jurisdictions the ability to modify programs and get  
13 smarter for long-term success, because this is just going  
14 to go on forever, right. I mean, I didn't see a drop dead  
15 date on it, which I absolutely think was the best  
16 legislation to come down the pike, because there were  
17 billions of dollars invested in an infrastructure that  
18 could have been stranded had you not done that.

19           MS. HUNTER: And if I may, I think everyone  
20 assumed that was always the intent. I mean, clearly  
21 cities and the private sector in the year 2000 weren't  
22 just going to walk away from everything.

23           What the language in 2202 did, and that came --  
24 we didn't write it, but we were perfectly comfortable with  
25 it is yeah you have to keep it up.

1           What we did suggest and I don't remember if it's  
2 in the bill or simply in regs is a streamline reporting  
3 system once you get there. And I think that's in the  
4 works.

5           BOARD MEMBER JONES: Right. So I offered that,  
6 Madam Chair, to put it into -- and I know everybody knows  
7 it, but just to kind of frame it, that we may have  
8 somebody on a compliance order -- well, not a compliance  
9 order -- well, an extension that, a 1066 extension, that I  
10 guess would actually not only be yearly reviews that we  
11 would get, but wouldn't we see them as part of the  
12 biennial process verifying the way they are?

13           So I think there are some checks and balances.  
14 And thank God they call us the Integrated Waste Management  
15 Board, because there are so many pieces and it's tough  
16 sometimes trying to, for me, to connect all the dots of to  
17 where are we -- how are we looking at all this stuff.

18           But I throw it out there because I think it's  
19 critical in that our -- in 2000 it just doesn't end. It  
20 stays in place, and we get another -- we've got to keep  
21 verifying that this effort is there.

22           Thanks.

23           CHAIRPERSON MOULTON-PATTERSON: Okay.

24           MS. CARDOZO: Catherine Cardozo with the Office  
25 of Local Assistance. Good afternoon, Madam Chair and

1 Board Members.

2 I'm going to be presenting -- talking from  
3 Attachment 4 and 5 in your packet. It's about the last  
4 six pages or so. And I believe the packets in the back of  
5 the room, Attachment 5 is labeled as such, but Attachment  
6 4 is not. So if you go to the last two pieces of paper  
7 are Attachment 5 and go up four pages from there and  
8 you'll get to the application.

9 Attachment 4 is a copy of the SB 1066 application  
10 approved by the Board for jurisdictions to use when  
11 applying for either a time extension or an alternative  
12 diversion rate or ADR.

13 Appendix A of the application is a model of a  
14 completed time extension application. And because ADR is  
15 just a variation of time extension, I'll only be focusing  
16 on time extensions in this presentation.

17 Section 1 of the application is just general  
18 contact information, that you ask of all jurisdictions to  
19 submit a request. Section 2 is labeled the cover sheet  
20 and it establishes a jurisdiction's eligibility to apply  
21 for either a 1066 or an ADR.

22 For example, if the jurisdiction hasn't submitted  
23 its source reduction and recycling element, or its SRRE,  
24 its household hazardous waste element and nondisposal  
25 facility element, it isn't eligible for that time

1 extension.

2           This section also asks for the specific years  
3 requested for the time extension and explains the January  
4 6th end dates for such extension.

5           Section 3(a) deals with specifics about the 1066  
6 time extension request. As you can see, the application  
7 asks for specific details regarding the jurisdiction's  
8 situation.

9           For example, a jurisdiction must explain, one,  
10 why it needs more time to meet the 50 percent goal. That  
11 is why the program selected in its SRRE did not help the  
12 jurisdiction to achieve 50 percent by 2000. Any barriers  
13 encountered to meeting the goal are to be identified and  
14 the jurisdiction must indicate how those barriers will be  
15 overcome.

16           Two, why it needs the amount of time requested.  
17 The jurisdiction must also describe the relevant  
18 circumstances that contributed to its need for a time  
19 extension.

20           Three, what good faith efforts it has made to  
21 date to implement the diversion program selected in the  
22 SRRE.

23           And lastly, any additional relevant information  
24 that supports the time extension request.

25           Section 3(b) asks for specifics related to an ADR

1 request. Section 4(a) is the plan of correction for a  
2 time extension. This is the section where a jurisdiction  
3 describes the actions it will take to meet the 50 percent  
4 by the end of the time extension and identifies the  
5 percent residential nonresidential ratio of its waste  
6 stream.

7           The purpose of this information is to help ensure  
8 that the proposed programs are focused on the appropriate  
9 sector. Specifically in the section jurisdictions are  
10 asked to describe the program type, for example, whether  
11 it will be a residential curbside, composting or  
12 commercial recycling program; whether the program will be  
13 new or an expansion of an existing program, the program  
14 itself, for example, what material types, will be handled  
15 by the program; the program's funding source; the date the  
16 program will be fully implemented; and the estimated  
17 percent diversion that they'll get from the program.

18           And because we have a disposal base measurement  
19 system now, the jurisdictions are also asked to identify  
20 the current diversion rate and to estimate what it will be  
21 after the proposed programs are implemented, and a  
22 jurisdiction's plan of correction must show that it will  
23 achieve 50 percent by the end of the time extension.

24           This section also asks for a description of  
25 programs that will support the program's plan to help the

1 jurisdiction reach 50 percent. For example, if one of the  
2 new programs will be a composting facility, a jurisdiction  
3 might also expand an existing procurement program to  
4 include having the City buy the compost for all city  
5 landscaping projects.

6 Similarly, the City may also expand the public  
7 education program where appropriate to encourage more use  
8 of the composting facility.

9 Section 4(b) only pertains to ADRs and how the  
10 jurisdiction will attain the goal. And the same  
11 information that was requested in Section 4(a) is  
12 requested in Section 4(b).

13 Section 5 of the application is the planning  
14 information included in the Board's planning annual report  
15 information system or what we're always referring to as  
16 the PARIS database. This database includes information on  
17 the diversion program selected and implemented, planned  
18 for or dropped, and includes basic program related  
19 information, for example, the date the program was first  
20 implemented, the types of materials handled by the  
21 program, where in the SRRE the program was described and  
22 selected, et cetera.

23 And if a jurisdiction has any updates or  
24 revisions to the PARIS since the last annual report was  
25 submitted, they're asked to attach and update or revision

1 of information to their 1066 application.

2           Next I'll go on to Attachment 5, which is the  
3 draft template agenda item that we're proposing to use for  
4 when we're presenting 1066 Applications to the Board.

5           And we're proposing to provide in that item some  
6 basic information about the existing jurisdiction  
7 conditions, for example, what their 2000 population was;  
8 and what the percent residential and nonresidential ratios  
9 are; the current primary existing diversion programs that  
10 you took from the PARIS database; the jurisdiction's  
11 justification for a time extension, for example their  
12 request and the primary barriers that they have  
13 encountered that have prevented them from implementing  
14 programs up till now; and specifics about their plan of  
15 correction, that is the primary programs the jurisdiction  
16 is planning on expanding for the new programs they will be  
17 implementing.

18           And together this information will provide staff  
19 a basis for evaluating whether the proposed diversion  
20 programs or activities in the plan of correction make  
21 sense, that is, given the jurisdiction's current waste  
22 stream and their residential nonresidential makeup; the  
23 history of the program implementation to date; the  
24 barriers it has encountered in the passed and the good  
25 faith efforts to date to implement programs despite the



1 barriers.

2               Now, staff's analysis could determine whether the  
3 plan appears to make sense as proposed or whether  
4 alternative or additional programs might also be helpful.  
5 Staff can also recommend that the application be denied  
6 because the jurisdiction failed to show that they made a  
7 good faith effort to implement selected diversion  
8 programs.

9               But it would be the Board's decision to deny the  
10 application and instead direct staff to commence the  
11 process for considering a compliance order.

12              That concludes my part.

13              DEPUTY DIRECTOR SCHIAVO: Are there any questions  
14 regarding the agenda format at this point?

15              CHAIRPERSON MOULTON-PATTERSON: Mike.

16              BOARD MEMBER PAPARIAN: In the statute it says  
17 very specifically that when considering a request for an  
18 extension, the Board may make specific recommendations for  
19 the implementation of alternative programs.

20              It seems to me that that ought to be laid out as  
21 one of the options for the Board in the statute.

22              MS. CARDOZO: I believe that in the agenda item,  
23 the proposed -- under the options, Option 2, "The Board  
24 may approve a modified application." I think that's where  
25 you have the option to tell us how that should be

1 modified.

2 BOARD MEMBER PAPARIAN: But, I mean, as I'm  
3 understanding the statute, the local jurisdiction modifies  
4 the application and the Board makes recommendations.

5 STAFF COUNSEL BLOCK: Let me try to jump in here.  
6 Logistically, there's -- I think the reason that the  
7 proposed format is worded the way it is, is logistically  
8 it's a little bit fuzzy.

9 In other words, the statute is set up so that the  
10 jurisdiction is presenting their plan of correction. And  
11 so the Board really is evaluating that and either  
12 approving or disapproving that.

13 The statute uses the word recommendations as  
14 opposed to the Board establishing what it is. It kind of  
15 goes to the point that Yvonne was perhaps making before  
16 about when a jurisdiction comes in with a plan that's set  
17 out a certain way, and it's not possible necessarily at  
18 one particular meeting to say well, we think you can do  
19 that in two years, not three years, there's certain  
20 assumptions built into that plan.

21 So logistically what really has to happen and  
22 perhaps we need to make it just more explicit in the  
23 option, is the Board can make a recommendation or the  
24 Board can clearly say at a particular meeting we really  
25 don't think three years is the right amount of time for X,

1 Y and Z reason. We recommend you revise your plan of  
2 correction on how you're going to do this in two years,  
3 and then bring it back the next month, let's say, for the  
4 Board approval.

5           It's a logistical issue that the jurisdiction has  
6 the option of saying, you know, no we don't think we can  
7 do that, either approve or disapprove what we have  
8 presented and then there are some other options and  
9 consequences that come along with that.

10           BOARD MEMBER PAPARIAN: Yes, essentially, what we  
11 can do is make a recommendation -- we could return it to  
12 the jurisdiction with a recommendation from the dais, or  
13 the Board, about something different that we'd like to  
14 see. They may or may not put that in there, but that  
15 seems to be clearly one of our options that we have is to  
16 make recommendations about changing this.

17           STAFF COUNSEL BLOCK: Right. And I should say,  
18 obviously, that will depend on particular circumstances.  
19 The changes may be fairly minor, in which case the  
20 jurisdiction, you know, on the spur of the moment, might  
21 be able to say sure we can make that change now or they  
22 may be major in terms of how the plan of correction would  
23 roll out.

24           And perhaps it would be useful to hear whether or  
25 not Yvonne agrees with my evaluation of what it is. It

1 seems to me by using that word "recommendation" and just  
2 looking at the context of other Board decisions the way  
3 the statute lays out, that's our understanding of what  
4 that process is.

5 BOARD MEMBER PAPARIAN: Where I was going with  
6 this, I think it should probably be specifically stated as  
7 one of the options for us, is to make recommendations for  
8 modifications of the plan. That might be something we  
9 could do when we have one of these come before us.

10 DEPUTY DIRECTOR SCHIAVO: But Option 2 is  
11 intended to do that. The language needs -- it needs  
12 improvement to get us there, but that was what the intent  
13 was.

14 BOARD MEMBER PAPARIAN: And I understand that.  
15 Yeah, something we want to do is not necessarily approve a  
16 modified application. We might send the application back.

17 DEPUTY DIRECTOR SCHIAVO: Suggest a modified  
18 application be resubmitted to the Board or something like  
19 that.

20 CHAIRPERSON MOULTON-PATTERSON: Steve.

21 BOARD MEMBER JONES: Thanks, Madam Chair, I mean,  
22 the fact that it says in statute that we can recommend,  
23 what are we basing it on? You know, what do we have from  
24 this dais, whether it be a program or a time that is the  
25 basis for us making that change?

1           I mean, there has to be a deliberative process  
2 and there has to be some substantiation. We've asked the  
3 cities or the counties to develop a plan to come forward  
4 to us to look at what the changes are going to be, you  
5 know, what they envisioned the changes. And they're going  
6 to know their waste stream better than we are.

7           So I guess what I want -- what I'm puzzled by is  
8 if we have the authority to make a recommendation, what  
9 are we basing it on?

10           BOARD MEMBER PAPARIAN: Our expertise of that.

11           BOARD MEMBER JONES: But what expertise do we  
12 have on what's happening locally in a program?

13           CHAIRPERSON MOULTON-PATTERSON: Yvonne.

14           MS. HUNTER: I think Elliot is generally correct.  
15 I absolutely remember when that language was put in there.  
16 And the other person who was involved unfortunately just  
17 had to leave the room. But that was suggested by  
18 committee staff, and it clearly says the Board may  
19 recommend.

20           And I think the way, at least I envisioned it,  
21 and the cities envisioned it, is not necessarily an end of  
22 the process last minute you're sitting up here reviewing  
23 it saying no, no we want you to do such and such.  
24 Although, obviously, the way the statute is written you  
25 can do that, but there needs to be an earlier opportunity

1 where whatever internal process you use, staff looks at it  
2 and says, gee, it seems you're missing 50 percent of your  
3 waste stream is commercial and you're not doing anything  
4 in commercial, why don't you think about doing something.  
5 And the city goes back and says oh yeah, right thank you,  
6 we didn't think about that. Board, would you give us some  
7 technical assistance, and they may revise their  
8 application.

9           That, I think, is what was envisioned. Now,  
10 clearly, the Board could say at the last minute we don't  
11 like what we see. Have you evaluated this? We want you  
12 to do X, Y and Z. I mean the letter of the law says that,  
13 but that really wouldn't be very fair.

14           And I don't know what sort of internal process  
15 can be set up so that there is that dialogue give and take  
16 before hand, Pat and I have talked about it, without  
17 having a jurisdiction have to come up to two board  
18 meetings. You have a subcommittee look at it, and then  
19 you have the full meeting. They need to have a heads up  
20 on what's going to be suggested to them early on.

21           CHAIRPERSON MOULTON-PATTERSON: So you have a  
22 problem with them coming up twice, because that might very  
23 well happen. I mean, it would be mandatory.

24           MS. HUNTER: And it may be that that is the only  
25 option. But before the Board moves to that option, I'd

1 really like us to be able to explore alternatives, because  
2 for some jurisdictions it may be a burden.

3 CHAIRPERSON MOULTON-PATTERSON: Well, you know,  
4 as a perfect lead in, I am going to be appointing a  
5 committee. And, you know, we will do everything we can to  
6 work with the jurisdictions, but with 90, it's  
7 inconceivable that we can do all those 1066s at our board  
8 meeting.

9 MS. HUNTER: And that may be a way to work it.

10 CHAIRPERSON MOULTON-PATTERSON: But, you know, I  
11 think that would be time. It wouldn't be -- they would  
12 still have some time and there would be more give and  
13 take.

14 MS. HUNTER: And perhaps a subcommittee that  
15 reviews it, makes recommendations and makes a  
16 recommendation to the full Board.

17 CHAIRPERSON MOULTON-PATTERSON: Right, it would  
18 come to the full board, of course. But I think we're  
19 going to have to do that, and, in some cases, it wouldn't  
20 be necessary to come up twice. In some cases, maybe just  
21 coming to the subcommittee and they would see what the  
22 recommendation is, so we can talk about that and work on  
23 that, but I think we're going to have to do that, Yvonne.

24 MS. HUNTER: I'm confident that there's enough  
25 good will here, obviously, to try to set that process up.

1 What I want to avoid is inadvertently setting -- having a  
2 process set up so that there isn't that thoughtful give  
3 and take ahead of time, even beyond the staff level, that  
4 catches a jurisdiction off guard where some board member  
5 may say why aren't you doing such and such. We ought to  
6 recommend that you do that. And it may not be practical  
7 or reasonable. Maybe it is.

8 CHAIRPERSON MOULTON-PATTERSON: Well, we're going  
9 to work so there won't be any big surprises at that 11th  
10 hour and I think we can work it all.

11 MS. HUNTER: I think we're all on the same page.

12 BOARD MEMBER PAPARIAN: Madam Chair.

13 CHAIRPERSON MOULTON-PATTERSON: Mike.

14 BOARD MEMBER PAPARIAN: What Yvonne has described  
15 is a scenario that helps answer the question that Mr.  
16 Jones brought up, which is that, you know, presumably the  
17 staff is going to work with the local jurisdiction and  
18 staff is going to suggest additional items, if that's  
19 appropriate.

20 There could be a scenario where a local  
21 government decides they do not want to accept what the  
22 staff has suggested, and essentially it does come to us to  
23 decide whether to make the recommendations, kick the  
24 application back with recommendations or not. And that's  
25 what is explicit in the statute.



1 MS. HUNTER: Right.

2 BOARD MEMBER PAPARIAN: But let me also say that  
3 there may be occasions where we catch something from the  
4 Board, the dais, you know, there's a lot of these  
5 applications going through, a lot of energy and effort on  
6 the part of the staff, they may miss something. There  
7 have been occasions on some of the diversion studies and  
8 other items where we've -- you know, many folks have  
9 looked at it and finally something gets caught.

10 So it's possible that there could be some  
11 recommendation from the dais, hopefully that won't happen  
12 or won't happen very often. But there may be something  
13 that does come up as a surprise.

14 MS. HUNTER: And that's sort of a fact of life.  
15 But as long as there is a thoughtful process to at least  
16 try to catch everything beforehand, so that hopefully  
17 there's only a few circumstances where that comes up,  
18 clearly that's your prerogative based upon the statute.  
19 But I'm comfortable that something workable will be  
20 decided upon.

21 CHAIRPERSON MOULTON-PATTERSON: Steve.

22 BOARD MEMBER PAPARIAN: Certainly, all the  
23 reports I'm getting are that the staff is really working  
24 hard to work with the local jurisdictions and all of these  
25 various items.

1           CHAIRPERSON MOULTON-PATTERSON:   Steve.

2           BOARD MEMBER JONES:   Thanks, Madam Chair.   I  
3 think one thing, too, is that there are two cycles for  
4 extensions.   There's a three-year cycle and a two-year  
5 cycle, right?

6           They can do this up till 2006.   So the likelihood  
7 that any jurisdiction would put all of its efforts into  
8 that first one may be limited because it's limited on  
9 dollars, you know, there's only so many dollars that can  
10 be spent on these kinds of programs.   So, I mean, you  
11 know, we have other bites of the apple.

12           My concern is a lot of discussions with different  
13 folks on the 24th floor that, you know, we get more  
14 information, more data about programs and this and that.  
15 And I caution against too much of that, because any kind  
16 of a snapshot in one day is just a snapshot in one day.  
17 It doesn't tell the whole story.

18           That was why I kind of made the comment, Mr.  
19 Paparian, you know, like who was going to make the  
20 recommendation, because the locals are the ones that  
21 understand what's going on day to day and our staff is  
22 really forced to try to cut through the smoke screens in a  
23 lot of cases and really look and see if everything that  
24 they're being told is accurate.

25           But I'll guarantee you, if it's a gotcha, you can

1 get them all, because it's just -- nothing's black and  
2 white in those processes, and I think staff does a good  
3 job.

4 I do have one quick question. If one of these  
5 comes in front us on the biennial review, the 2000  
6 biennial, 1999/2000, and the number is 79 percent, and in  
7 the audit we have found, and I'm basing this on the work  
8 we've done from this dais and our staff because of the  
9 convoluted math that goes along with a lot of these new  
10 base years, that come to us that we have found an awful  
11 lot of problems and unsubstantiated, if they come in at 79  
12 percent, and your audit shows that there's no programs to  
13 support 79 percent, the first cut of this in 1995 we put  
14 somebody on a compliance order that was at 52 percent, I  
15 think, who had no programs, would they have -- now this  
16 gets into -- I mean, I know we couldn't recommend to put  
17 them on a compliance order.

18 They're going to be pretty angry if they just  
19 went out and spent \$100,000 with some consultant to dream  
20 up a bunch of numbers that made them happy but are not  
21 anywhere close to reality, and they're at 79 and we say no  
22 you don't have the programs to support it, do they have a  
23 chance then to deal with SB 1066 or do they get put on a  
24 compliance order?

25 DEPUTY DIRECTOR SCHIAVO: If they reserve the

1 right, they have an opportunity for 1066, but remember  
2 part of the criteria for approval of that is good faith  
3 efforts. So you can deny --

4 BOARD MEMBER JONES: And part of the issue  
5 remember we had that one city that -- and I'm bringing  
6 this up, because I think it's critical. I held no, and I  
7 know the other board members didn't, we held no harm  
8 against the city that hired the consultant. We held none.

9 Clearly, the consultant, through your excellent  
10 work, your staff's work, found that the number was like,  
11 you know, something out of Mother Goose. So we didn't  
12 allow that. We took that 79 percent down to -- or  
13 whatever this fictitious number is and we took it down to  
14 a real number.

15 So I don't hold the city at risk there. They  
16 didn't instruct anybody to dream this up. And I know  
17 we're still working on what our options might be there.  
18 But, you know, if a jurisdiction honestly thought that  
19 they were just getting better data, and it turned out to  
20 be something other than that, do we put them right on a  
21 compliance order or do we let them look at trying to do  
22 this voluntarily?

23 DEPUTY DIRECTOR SCHIAVO: Again, if they reserve  
24 a right for an SB 1066, one of the benefits to the  
25 jurisdictions is that they do get to go ahead and submit

1 their SB 1066 petition for the Board to review. If they  
2 did not do that, then one of the options available -- the  
3 Board has the three options available to approve it and go  
4 through that.

5 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you,  
6 Steve.

7 Pat and Catherine, have you finished your  
8 presentation?

9 DEPUTY DIRECTOR SCHIAVO: I just want to touch on  
10 towards the very end when we were talking about the agenda  
11 item process, is when we do perform the reviews, we can  
12 generalize the program performance. It's very difficult  
13 to get into specific outcomes from each of the programs,  
14 because what we've seen, at least preliminarily in looking  
15 at program implementation efforts, as we track, you know,  
16 94 different base years that have come in the last couple  
17 of years, is that there is a wide variation that you can  
18 see from identical looking programs, so that does make it  
19 very difficult.

20 We can generalize it in the sense of, if we see  
21 that a jurisdiction is primarily residential, but their  
22 only focus has been commercial, well there's obviously  
23 issues there or the converse. Or if we see obvious holes  
24 in program implementation, we can make a determination  
25 there. But it is very difficult if somebody says they're

1 going to get five percent from curbside recycling versus  
2 seven percent versus two percent, because there is such a  
3 wide variation of outcomes that we've seen, you know,  
4 historically from curbside programs.

5           So I just want to caution it is very difficult to  
6 get specifics, but we can generalize on what makes sense,  
7 so that does make the task a little bit difficult.

8           I just wanted to touch at the very -- in  
9 conclusion for program monitoring and evaluation, we  
10 already touched on the program monitoring, that can be  
11 included in the annual report or if it's more frequent, we  
12 can set up another reporting mechanism. And the final  
13 evaluation, again, we look at programs and numbers if  
14 they've committed to implementing a number of SB 1066  
15 programs, and haven't implemented any of those, and that's  
16 definitely a concern and takes us down a potential route  
17 that may not be beneficial to the jurisdiction.

18           If they're implementing most of those programs  
19 and they're getting to that goal and we're seeing that  
20 they didn't implement some of those as a result of, you  
21 know, trial and error, it didn't make any sense in the  
22 planning side of things, it looked pretty good until once  
23 they started the implementation phase, then, again, you  
24 know, that's expected. That's just the way these programs  
25 go.

1           That's pretty much it.

2           CHAIRPERSON MOULTON-PATTERSON: Okay. Well, this  
3 has been very helpful to me and I'm sure the other Board  
4 Members.

5           Any final questions, Board Members?

6           Okay. Well, thank you. And that adjourns our  
7 briefing.

8           (Thereupon the California Integrated Waste  
9 Management Board Briefing was concluded at  
10 2:30 p.m.)

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2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
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10 I further certify that I am not of counsel or  
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13 IN WITNESS WHEREOF, I have hereunto set my hand  
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